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## **ARTICLE I**

### **Title; Boundaries; Civil Divisions; Definitions**

#### **§C1-1 Short title.**

This act is a public act and shall be known as the “Charter of the City of Plattsburgh”

#### **§C1-2 Boundaries of the city.**

A. City boundaries. All that part of the Town of Plattsburgh, in the County of Clinton, within the following boundaries, is hereby constituted a city, which shall be known and designated as the “City of Plattsburgh,” to wit: Beginning in the shore of Lake Champlain, at low-water mark in Cumberland Bay, at the southwest corner of the lands conveyed by the City of Plattsburgh to the people of the State of New York by deed dated May 12, 1932, and recorded in the Clinton County Clerk’s office May 14, 1932, in Volume 168 of deeds, at page 284; running thence northerly on the west line of the lands so conveyed by the city to the people of the State of New York aforesaid, to the northwest corner of the lands so conveyed by the City of Plattsburgh to the people of the State of New York; running thence easterly, on the north line of the land so conveyed by the City of Plattsburgh to the people of the State of New York, to the west lines of lands conveyed by Alice G. Hagar and husband to Ellen Vincent by deed dated July 9, 1912, and recorded in the Clinton County Clerk’s office January 15, 1932, in Volume 167 of deeds, at page 222; running thence northerly in the west line of the lands so conveyed by Hagar to Vincent, to the south bounds of the highway leading from the state road to Cumberland Head; thence westerly in the south bounds of said highway to the east bounds of the state road; thence southerly in the east bounds of the state road to a point in the southeasterly side of the Plattsburgh-Chazy highway 33 feet from the center line of said highway hereinafter described as beginning in the center of Plattsburgh-Chazy highway at a point 1,061.92 feet from the northeasterly end of the concrete bridge over Dead Creek, measured in the center line hereinafter described, and running on a two-degree curve to the left 313.67 feet; thence tangent to the above curve in a southeasterly direction 453 feet; thence on a five-degree curve to the right 280 feet to a point 12.25 feet northeasterly from the center of the northeasterly end of said concrete bridge; said limits or line parallel the above described center line and 33 feet distant therefrom to a point 60 feet northeasterly from the northeasterly end of said bridge; thence across said proposed highway 66 feet; thence northeasterly in a line parallel to the above center line and 33 feet distant therefrom to the north line of Lot No. 1 of the one hundred acre lots in said patent extended easterly; thence westerly in the said north line of said Lot No. 1 extended, to the northeast corner of said Lot No. 1; thence southerly in the east bounds of said Lot No. 1 to the northeast corner of the Boynton farm; thence westerly in the north bounds of the Boynton farm and the said north bounds extended westerly to the so-called Beekmantown road; thence south in the east bounds of said road to the south bounds of

Boynton Avenue; thence westerly in the south bounds of Boynton Avenue to the north west corner of Lot No. 10; thence southerly in the west bounds of Lot No. 10 to the south bounds of the so-called plank road; thence westerly in the south bounds of the aid plank road to the northwest corner of Lot No. 16; thence southerly in the west bounds of Lot No. 16 Rugar Street; thence westerly in the north bounds of Rugar Street to the northeast corner of Lot No. 28; thence southerly in the east bounds of Lot No. 28 and the same line extended to the south bounds of the Saranac River; thence easterly in the south bank of said river, as it winds and turns, to the east bounds of Lot No. 66; thence continuing easterly in the south bank of said river, as it winds and turns, to a point, said point being on a northerly bounds of lands of the former Plattsburgh Air Force Base, said point being a Concrete Monument number 206 as shown on the "Air Mobility Command, Comprehensive Plan, Real Estate Map, Plattsburgh Air Force Base, New York" dated June 1, 1979, latest revision December 30, 1993, hereinafter Real Estate Map; thence, in a southerly direction a distance of 800 feet, more or less to a point, said point being 50 feet east of the north east corner of the concrete ramp of PAFB and on the line of the extension of the north edge of the concrete ramp extended to the east; thence, in a southerly direction in a line parallel to but 50 feet east of the east edge of the concrete ramp, to a point, said point being on the west bounds of the highway crossing Lot No. 94 (South Peru Street extended south westerly); thence northerly in the west bounds of said highway to the south bounds of the right-of-way to the Chateaugay Railroad; thence easterly along the south bounds of said right-of-way, as it winds and turns, to the intersection of the northwesterly bounds of New York Road, as it exists in 1999, said northerly bounds being identified as being fifty (50) feet from the centerline of said New York Road, as measured on the perpendicular therefrom; thence proceeding in a generally southerly direction along the northwesterly and westerly bounds of New York Road to the intersection of the southerly bounds of Kansas Avenue, as it exists in 1999, said southerly bounds being identified as being (50) feet from the centerline of said Kansas Avenue, as measured on the perpendicular therefrom; thence proceeding in an easterly direction along the southerly bounds of said Kansas Avenue to a point, said point of the northerly end of Iowa Circle, as it exists in 1999; thence proceeding in a southwesterly, southerly, southeasterly, and northeasterly direction along a line parallel to but two hundred thirty-three (233) feet, more or less, from the centerline of the northerly end of Iowa Circle, as it exists in 1999; thence proceeding in a southwesterly, southerly, southeasterly, and northeasterly direction along a line parallel to but two hundred thirty-three (233) feet, more or less northwesterly, westerly, southwesterly and easterly from the centerline of said Iowa Circle, as measured on the perpendicular therefrom, to a point on the southwesterly bounds of Kansas Avenue, as previously described, said point being south of the southerly end of Iowa Circle; thence proceeding in a southeasterly direction along the southwesterly bounds of Kansas Avenue to the intersection of said bounds with the northerly bounds of Connecticut Road, said northerly bounds being identified as being fifty (50) feet, more or less, from the centerline of said Connecticut Avenue as measured on the perpendicular therefrom; thence in an easterly direction along the northerly bounds of Connecticut Avenue to a point, said point being the intersection of said northerly bounds and a southerly extension of the line between Concrete

Monuments 56 and 55 as shown on the aforesaid Real Estate Map; thence along said easterly bounds the following lines, courses and distances:

Line	True Bearing	Distance
56-55	N10°40'18"W	288 28'
55-54	N82°39'42"E	50.09'
54-53	N10°40'18"W	746.95
53-52	Curve Right	485.10'

all as shown on said Real Estate Map but running in the reverse order thereto, said Concrete Monument 52 being a point on or near the north line of Lot No. 60, Plattsburgh old patent; thence continuing to the north line of said Lot No. 60; thence east along said north line of Lot No. 60 to the west shore of Lake Champlain at low-water mark; thence northerly on the westerly shore of Lake Champlain, at low-water mark as it winds and turns, to the place of beginning. (As amended by L. 1903, c. 449; L. 1930, c. 371; L. 1933, c. 131; L. 1936, c. 236; L2000-2)

#### B. Off-shore boundaries.

(1) The off- shore boundaries of the City of Plattsburgh in Lake Champlain are hereby fixed and described as follows: All that certain parcel of land or territory lying easterly of the City of Plattsburgh, and in particular lying easterly of the low-water mark of Lake Champlain as follows: Commencing at a point in Lake Champlain, a distance of on-half ( $\frac{1}{2}$ ) mile easterly of the east bound of U.S. Route 9, also known as U.S> Avenue; thence northerly, a distance of 8,222 feet to the northeasterly end of the existing stone breakwater, easterly of the Delaware and Hudson Railroad property; thence North 14°31' East a distance of 7,375 feet to a point which lies in Lake Champlain one-half ( $\frac{1}{2}$ ) mile southerly of the south boundary of Harlem Avenue and in the city boundary line which is also the west bounds of lands of the State of New York, and occupied as beach and camp site; thence northerly to the northeasterly boundary line of the City of Plattsburgh in the low water mark of Lake Champlain; thence southwesterly and southerly along the low-water mark of Lake Champlain, as it winds and turns, to a point on the southerly city limits above referred to; thence turning and running easterly along the said southerly city limits, if extended, a distance of 1,500 feet, more or less, to the point or place of beginning.

(2) The territory above described upon being included with the boundaries of the city and being in the waters of Lake Champlain shall be a portion of the ward or wards to which it lies adjacent. (As added by L. 1966, c. 969)

### §C1-3 Corporate name and powers.

A. The citizens of the State of New York from time to time inhabitants within the boundaries of the "City of Plattsburgh," as aforesaid, shall be a municipal corporation in perpetuity under the name of the "City of Plattsburgh." The said corporation may take, purchase, hold, sell and convey real and personal property; it may take by gift, grant, bequest and devise and hold real and personal estate in trust for any purpose of education, art, health, charity or amusement, for parks or gardens, for improvement of



cemeteries, for the erection of statues, monuments, public buildings or other public use, upon such terms as may be prescribed by the grantor or donor and accepted by said corporation, and may provide for the proper execution of said trust and may have, use and from time to time alter a common seal, may sue and defend in all courts and may do anything necessary to carry into effect the powers granted to it.

B. Such corporation may, subject to a certificate of convenience and necessity duly granted by the Public Service Commission, lease or acquire, by purchase or condemnation, control and operate omnibus facilities for transportation of persons and property within the city limits. (As added by L. 1952, c. 553)

C. Town of Plattsburgh. The Town of Plattsburgh shall here after consist of all the territory heretofore constituting said town, except that portion thereof embraced within the boundaries of the City of Plattsburgh, and the territory embraced within the boundaries of said city as hereinbefore described shall not constitute or be a part of the Town of Plattsburgh. (As part repealed by L. 1902, c. 269, 183A; as amended 5-13-49 by L.L. No. 41-1949)

#### **§C1-4 Division in wards. (replaced by L.L. 92-8; thence 2003-3)**

##### **A. Wards/Districts/Boundaries**

1. The City shall be divided into six (6) wards numbered consecutively one through six.
2. The wards shall be divided into one or more election districts in accordance with the New York State Election Law.
3. Boundaries: (see Ward Descriptions and boundaries enacted by common Council Resolution 25 Oct 2012 in accordance with Charter Section C1-4.C.4)

[City of Plattsburgh Ward Boundary Map 25 Oct 2012 is appended as page C11.5.1]

[NOTE: The stated boundary lines follow the centerlines of streets unless otherwise stated in the description. The point of beginning for such ward boundary descriptions is generally the north easterly corner of each ward and proceeds in a counterclockwise direction.]

##### **A. Ward Descriptions/Boundaries:**

###### **WARD I**

COMMENCING at the western intersection of Underwood Avenue and Sandalwood Way, thence proceeding northerly to the Saranac River;

THENCE TURNING AND PROCEEDING westerly and southerly along the bank of the Saranac River to the municipal boundary with the Town of Plattsburgh;

THENCE TURNING AND PROCEEDING southerly on said municipal boundary and following said municipal boundary as it proceeds easterly to a point on the shore of Lake Champlain;

THENCE TURNING AND PROCEEDING northerly along the shoreline of Lake Champlain to a point where said shoreline intersects an easterly extension of the centerline of Hamilton Street which crosses the D&H Railway right-of-way to a point on the shore of Lake Champlain,

THENCE TURNING AND PROCEEDING westerly on said extension of the centerline of Hamilton Street to the intersection with Club Road;

THENCE TURNING AND PROCEEDING southerly and westerly on deed-created buffer zone between Fort Brown Drive and Hamilton Street to the intersection of the Buffer Zone and Peru Street (New York State Route 9);

THENCE TURNING AND PROCEEDING southerly on Peru Street to the intersection with South Platt Street and South Peru Street;

THENCE TURNING AND PROCEEDING southwesterly on South Peru Street to Monty Street,

THENCE TURNING AND PROCEEDING westerly on Monty Street to Bushey Boulevard;

THENCE TURNING AND PROCEEDING southerly then westerly on Bushey Boulevard to the intersection with South Catherine Street;

THENCE TURNING AND PROCEEDING southerly on South Catherine Street to Underwood Avenue;

THENCE TURNING AND PROCEEDING westerly on Underwood Avenue to the western (second) intersection with Sandalwood Way, the point or place of beginning.

## WARD 2

COMMENCING at the intersection of Broad Street and South Catherine Street thence proceeding westerly on Broad Street to the intersection with Rugar Street;

THENCE PROCEEDING southwesterly on Rugar Street to a point equidistant between Hood Hall and Mason Hall;

THENCE TURNING AND PROCEEDING southerly along the extension of a line from the point equidistant between Hood Hall and Mason Hall, through a point equidistant between deFrenburgh Hall and Moffit Hall;

THENCE TURNING AND PROCEEDING southeasterly to the center of the Saranac River;

THENCE TURNING AND PROCEEDING southerly then westerly along the Saranac River, including all islands in this section of the River to the point where an extension of the westernmost portion of Sandalwood Way meets the River;

THENCE TURNING AND PROCEEDING southerly along Sandalwood Way to the intersection with Underwood Avenue;

THENCE TURNING AND PROCEEDING easterly on Underwood Avenue to the intersection with South Catherine Street;

THENCE TURNING AND PROCEEDING northerly on South Catherine Street to the intersection with Bushey Boulevard;

THENCE TURNING AND PROCEEDING easterly then northerly on Bushey Boulevard to the intersection with Monty Street;

THENCE TURNING AND PROCEEDING easterly on Monty Street to the intersection with South Peru Street;

THENCE TURNING AND PROCEEDING northerly on South Peru Street to the intersection with South Platt Street and Peru Street (New York State Route 9);

THENCE TURNING AND PROCEEDING northerly on Peru Street to a point where an extension of Water Alley would meet Peru Street;

THENCE TURNING AND PROCEEDING westerly to Pine Street;

THENCE TURNING AND PROCEEDING northerly on Pine Street to the intersection with Battery Street;

THENCE TURNING AND PROCEEDING westerly on Battery Street to the intersection with South Catherine Street;

THENCE TURNING AND PROCEEDING northerly on South Catherine Street to the intersection with Broad Street, to the point or place of beginning

### WARD 3

COMMENCING at the intersection of Broad and Cornelia Streets,

THENCE PROCEEDING westerly on Cornelia Street to the municipal boundary between the City of Plattsburgh and the Town of Plattsburgh,

THENCE TURNING AND PROCEEDING southerly on said municipal boundary line to a point where said boundary intersects the northerly bank of the Saranac River;

THENCE TURNING AND PROCEEDING both easterly and northerly along the northern bank of the Saranac River to a point where an extension of a line from Rugar Street equidistant between Hood Hall and Mason Hall, and equidistant between deFredenburgh Hall and Moffit Hall meets the Saranac River;

THENCE TURNING AND PROCEEDING northwesterly along said line between deFredenburgh Hall and Moffitt Hall and between Hood Hall and Mason Hall to its intersection with Rugar Street;

THENCE TURNING AND PROCEEDING northeasterly on Rugar Street to Broad Street;

THENCE TURNING AND PROCEEDING northwesterly on Broad Street to the point or place of beginning

#### WARD 4

COMMENCING at the intersection of the northerly municipal boundary line between the City of Plattsburgh and Town of Plattsburgh and New York State Route 22,

THENCE PROCEEDING westerly on said municipal boundary to a point where said boundary turns southerly at an interior angle of approximately 90°,

THENCE TURNING AND PROCEEDING southerly, westerly and southerly on said municipal boundary to New York State Route 3 (aka Cornelia Street),

THENCE TURNING AND PROCEEDING easterly on New York State Route 3 to the intersection with North Catherine Street;

THENCE TURNING AND PROCEEDING northerly on North Catherine Street (New York State Route 22) to point of place of beginning.

#### WARD 5

COMMENCING at a point on the westerly shore of Lake Champlain at the municipal boundary between the City of Plattsburgh and Town of Plattsburgh,

THENCE PROCEEDING westerly on said municipal boundary to New York State Route 22;

THENCE TURNING AND PROCEEDING southerly on New York State Route 22 (aka North Catherine Street) to Elm Street,

THENCE TURNING AND PROCEEDING easterly on Elm Street to Margaret Street; THENCE TURNING AND PROCEEDING southerly on Margaret Street to Cornelia Street,

THENCE TURNING AND PROCEEDING easterly on Cornelia Street (which joins City Hall Place and becomes Cumberland Avenue after crossing the D&H Railway Bridge) to the D&H Railway right-of-way;

THENCE TURNING AND PROCEEDING southeasterly on said right-of-way to a point on northerly bank of Saranac River,

THENCE PROCEEDING easterly and northerly along the northerly bank of Saranac River and westerly shoreline of Lake Champlain to the point or place of beginning.

#### WARD 6

COMMENCING at intersection of Margaret Street and Elm Street and proceeding westerly on Elm Street to North Catherine Street,

THENCE TURNING AND PROCEEDING southerly on North Catherine Street to Cornelia Street;

THENCE TURNING AND PROCEEDING westerly on Cornelia Street to the intersection with Broad Street;

THENCE TURNING AND PROCEEDING easterly on Broad Street to the intersection with South Catherine Street;

THENCE TURNING AND PROCEEDING southerly on South Catherine Street to the intersection with Battery Street;

THENCE TURNING AND PROCEEDING easterly on Battery Street to the intersection with Pine Street;

THENCE TURNING AND PROCEEDING southeasterly on Pine Street to a point across the street from the intersection with Water Alley;

THENCE TURNING AND PROCEEDING along an extension the center of Water Alley across the Saranac River to Peru Street;

THENCE TURNING AND PROCEEDING northerly on Peru Street to the deed-created buffer zone behind Fort Brown Drive that had been the border of the Former Air Force Base;

THENCE TURNING AND PROCEEDING northeasterly on that buffer zone to the intersection with Club Road and Jay Street;

THENCE TURNING AND PROCEEDING southeasterly to a point where said shoreline intersects an easterly extension of the centerline of Hamilton Street which crosses the D&H Railway right-of-way to Lake Champlain;

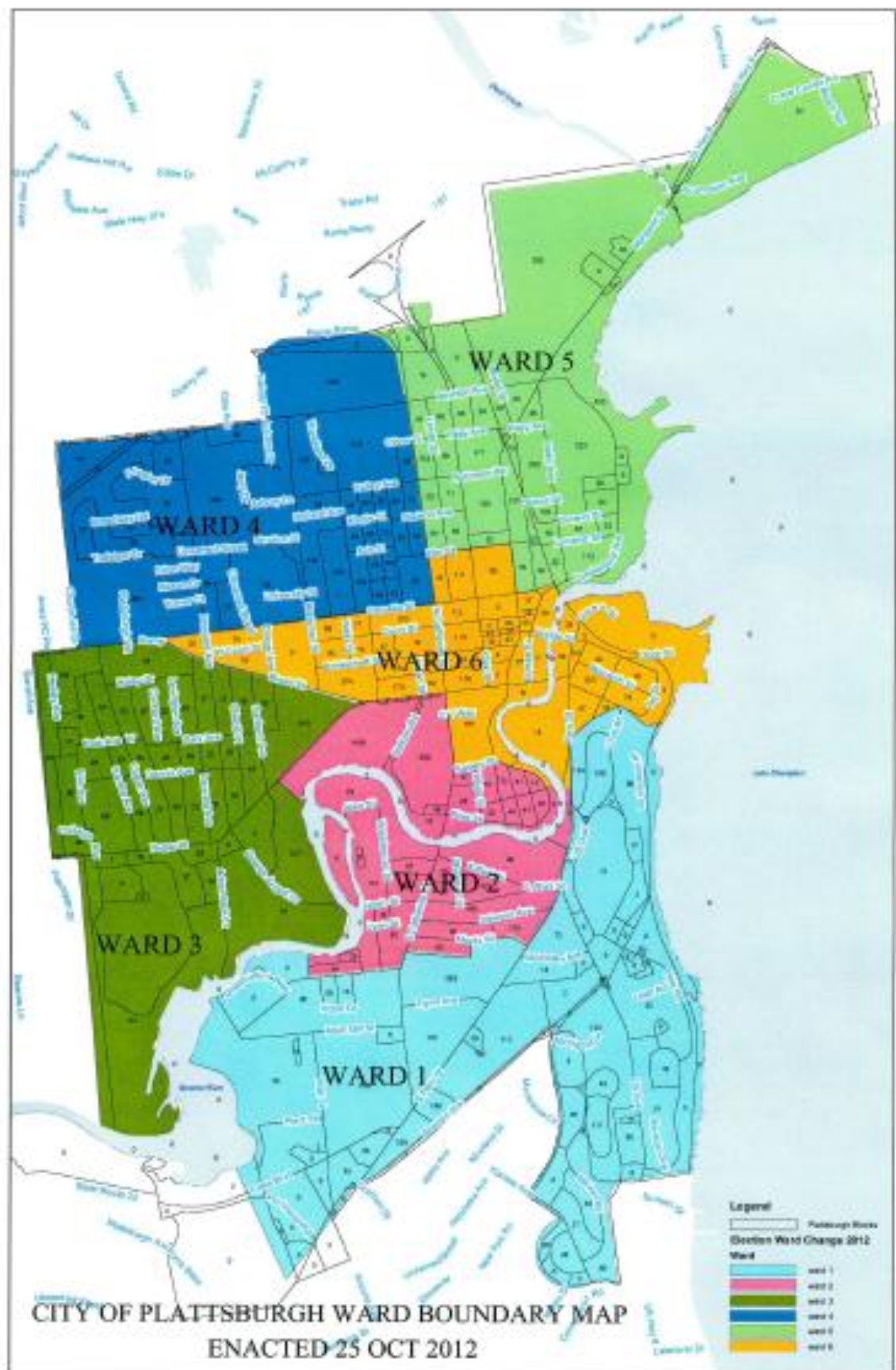
THENCE TURNING AND PROCEEDING northerly and westerly along the shore of Lake Champlain and the Saranac River to a the Railway right-of-way;

THENCE TURNING AND PROCEEDING northerly along that right-of-way across the Saranac River to the intersection with Cornelia Street/Cumberland Avenue;

THENCE TURNING AND PROCEEDING westerly on Cornelia Street/Cumberland Avenue to the intersection with Margaret Street;

THENCE TURNING AND PROCEEDING northerly on Margaret Street to the intersection with Elm Street, the point or place of beginning.





## B. Districting Commission: Composition, Appointments, Terms. Vacancies. Compensation

There shall be a districting commission consisting of five members:

1. No more than two commission members may belong to the same political party. The Common Council shall appoint four members. These four members shall with the affirmative consent of at least three members, choose the fifth member who shall be the chairperson.
2. No member of the commission shall be employed by the City or hold any other elected or appointed position in the City.
3. The Common Council shall appoint the first commission no later than April 1, 1993. Following completion of the federal decennial census for the year 2000, and subsequent decennial census, the Common Council shall appoint the commission no later than one year and five months before the first general election of the Common Council after publication of such federal decennial census.
4. The commission's term shall end upon adoption of a districting plan, as set forth in Section C1-4.C.
5. No member of the districting commission shall be removed from office by the Common Council, except for cause and upon notice and hearing.
6. The members of the commission shall serve without compensation, except that each member shall be allowed actual and necessary expenses, to be audited in the same manner as other City charges.
7. The commission may hire or contract for necessary staff assistance, and may require agencies of City government to provide technical assistance. The commission shall have a budget as provided by the Common Council.

## C. Powers and Duties of the Commission: Hearing, Submissions, and Approval of Plan

1. Following each decennial census, including the 1990 census, the commission shall consult the Common Council and shall prepare a; plan for dividing the City into wards for the election of council members. In preparing the plan, the commission shall be guided by the criteria set forth in Section C1-4.D. The report on the plan shall include a map and a description of wards recommended.
2. The commission shall hold one or more public hearings not less than one month before it submits the plan to the Common Council. The commission shall make its plan available to the public for inspection and comment, not less than one month before its public hearing.
3. The commission shall submit its plan to the Common Council not less than one year before the first general election of the Common Council after each decennial census.
4. The plan shall be deemed adopted by the Common Council, unless disapproved within three weeks by the vote of the majority of all members of the Common Council. If the Common Council fails to adopt the plan, it shall return the plan to the commission with its objections, and with the objections of individual members of the council.
5. Upon rejection of its plan, the commission shall prepare a revised plan and shall submit such revised plan to the Common Council no later than nine months before the first general election of the Common Council after the decennial census. Such revised plan shall be deemed adopted by the Common Council unless, by vote of two-thirds of all of its members, the Common Council disapproves within two weeks and votes to file a petition in the Supreme Court, Clinton County, for a determination that the plan fails to meet the requirements of this Charter. The Common Council shall file its petition no later than ten days after its disapproval of the plan. Upon a final determination upon appeal, if any, that the plan meets the requirements of this Charter, the plan shall be deemed adopted by the Common Council and the commission shall deliver the plan to the City Clerk. The plan delivered to the City Clerk shall include a map and description of the wards.
6. In any year, if population figures are not available at least one year and five months before the first general election following the decennial census, the Common Council may by Ordinance shorten the time periods provided for districting commission action in subsections 2,3,4, and 5 of this section (C).



#### D. Districting Plan: Criteria.

In preparation of its plan for dividing the City into wards for the election of councilors, the commission shall apply the following criteria, which, to the extent practicable, shall be applied and given priority in the order in which they are herein set forth.

1. Wards shall be equal in population except where deviations from equality result from the application of the provisions hereinafter set forth. Nevertheless no such deviation may exceed five percent of the average population for all Common Council wards, according to the figures available from the most recent census.
2. Wards shall consist of contiguous territory. Land areas separated by waterways shall not be included in the same wards, unless said waterways are traversed by highway bridges, tunnels or regularly scheduled ferry services, both termini of which are within the ward. Population permitting, islands not connected to the main land or to other islands by bridge, tunnel or regular ferry services shall be included in the same wards as the nearest land area within the City, and where such subdivisions exist, within the same ward or equivalent subdivision as described in subsection 5, below.
3. No City block shall be divided in the formation of wards.
4. In the establishment of wards within cities whose territory is divided into districts whose boundaries have remained substantially unaltered for at least fifteen years, the number of such districts whose territory is divided among more than one ward shall be as small as possible.
5. Consistent with the foregoing provisions, the aggregate length of all ward boundaries shall be as short as possible.

#### E. Effect of Enactment

The new Common Council wards and boundaries as of the date of enactment shall supersede previous council wards and boundaries for all purposes of the next regular City election, including nominations. The new wards and boundaries shall supersede previous wards and boundaries for all other purposes as of the date on which all councilors elected at the regular city election take office.

### **§C1-5          Fiscal year; definitions.**

A. The fiscal year of the city shall begin on the first day of January and end on the last day of December. (Amended by L.L. 93-7)

B. The term “streets,” as used in this act, included highways, alleys and lanes in the control of the public or the City of Plattsburgh. The term “resolution,” as used in this act, includes all orders, rules, regulations and bylaws other than ordinances. The word “person,” as used in this act, shall be construed to include all persons, firms, corporations and associations.

## **ARTICLE II**

### **City Officers; Eligibility; Elections; Appointments; Terms of Office; Compensation; Vacancies**

## **§C2-1 City officers. (amended by L.L. 92-8 & 92-9; see note)**

The officers of the City shall be Mayor, one(1) Councilor from each ward, the City Clerk, the City Judge, the Chamberlain, the Corporation Counsel, the Superintendent of Streets and Parks, the Chief of Police or Police Captain, the Fire Chief of the Fire Department the Superintendent of Water and Sewage, a constable, nine (9) members of the Library Board, the Librarian and the Assistant Librarian and such other officers as may be provided for elsewhere in this act and by general law of the State of New York and by special statutes or local laws. (As amended by L. 1912. C. 428; as part repealed 10-30-1925 by L.L. No. 5-1925; 5-13-1949 by L.L. No. 16-1949; L. 1953, c. 878, §250; 10-15-1989 by L.L. No. 5-1989; 1-18-1990 by L.L. No. 4-1990; 1-18-1990 by L.L. No. 5-1990)

[Editor's note: The form of government for the County of Clinton was changed by the Supreme Court 1968. Legislators thereafter are officers of the County.]

## **§C2-2 Eligibility of city officers.**

1. No person shall be elected to the office of Mayor or City Councilor, or appointed to fill a vacancy in such position(s), unless he shall have been for at least thirty (30) days prior to such election or appointment a resident elector of said city, and the election or appointment of any person not so qualified shall be void. Whenever any such officer of said city shall cease to be a resident of said city, or of the district or ward for which he was elected or appointed, his office shall hereby become vacant.
2. No person shall be appointed City Judge or Corporation Counsel unless he shall have been admitted to practice law before the courts of the State of New York at least five (5) years prior to his appointment.
3. Pursuant to the authority granted by the Municipal Home Rule Law, except for the offices of Mayor, City Councilor, City Court Judge and Acting City Court Judge, Public Officers Law § 3, which requires that a person appointed to a local office reside within the locality at the time of their appointment and during their tenure in office, is hereby superseded to not require City residency as a condition of appointment to, or holding, a City office. .
4. Qualifications for appointment to and holding City offices, including residency requirements, if any, may be adopted by local law or ordinance.

(As amended by L. 1903, c. 449; 12-28-32 by L.L. No. 7-1932; superseded by L.L. 2014-2)

## **§C2-3 Elective city officers enumerated; terms.**

- A. Elective City officers to be elected by the electors of the City at large shall be the Mayor; the elective officers of the City to be elected by each ward shall be one (1) Councilor from each of the six (6) wards herein above set forth. Terms for Mayor and Councilor shall be three years (amended L1992-9; L2001-6).
- B. Term Limits, No person shall be eligible to be elected Mayor if from and after January 1, 1994 he shall have served eight (8) consecutive years as Mayor of the City of Plattsburgh. No person shall be eligible to be elected Councilor if from and after January 1, 1994 he shall have served eight (8) consecutive years as Councilor of the City of Plattsburgh. (As Amended by L 66 L.L. 89-5; L.L. 92-9; L.L. 93-6)

## §C2-4 Appointive city officers

A. The appointive City officers of the City of Plattsburgh, New York, except as otherwise provided by general law, special statute, local laws or this act, shall be a City Judge, a Corporation Counsel, a City Clerk, a City Chamberlain, a Deputy City Chamberlain, a Superintendent of Streets and Parks, a Chief of Police or Acting Chief of Police, a Fire Chief of the Fire Department, a Superintendent of Water and Sewage, a Constable, nine (9) members who shall constitute the Library Board, a Librarian and an Assistant Librarian who shall be appointed by the Library Board. The appointment of all the foregoing officers and members of the boards, except as specifically state heretofore, shall be made by the Mayor with the approval of the Common Council. The officers whose appointments are not otherwise specifically provided for shall be appointed by the Mayor, subject to the approval of the Common Council, and the approval of all appointments except as herein stated shall mean the concurrence of three (3) Councilors. (AS amended by L.L. 92-9)

B. Terms of office of appointive city officers. The term of office of the City Judge shall be six (6) years (L1988, c.397). The term of office of the Corporation Counsel and Constable shall be for three (3) years. The terms of office of all other appointive City officers shall be in accordance with the Civil Service Law of the State of New York and the rules and regulations of the New York State Civil Service Commission. (As amended by L1912, c. 428; L1917, c. 641; as part repealed L.L. 1925-5; as amended L.L. 1932-8; L.L. 1942-15; L.L. 1942-23; L.L. 1948-14; L.L. 1949-17; L1953, c. 878, s. 251; L.L. 1976-1; L.L. 1989-5; L.L. 1990-4; L.L. 1990-5; L.L. 2001-6)

## §C2-5 Compensation of officials and employees.

Members of the Planning Board, members of the Library Board, members of the Park and Beach Commission and members of the Youth Commission shall receive no compensation for their services. The salaries of all other City officials and City employees shall be fixed by the Common Council. The Common Council shall have the power to increase, at any time, the compensation of the officers and employees of any office or position and order the payment of the same out of the treasure of the City. Such increased compensation may be made after such salary or compensation shall have been fixed and provided for in the budge of the City for the fiscal year. The Corporation Counsel may, however, for the conduct, argument, prosecution or defense of important litigation, cases or proceedings in which the City is an interested party, receive such additional compensation as in the opinion of the Common Council will reasonably compensate him for the special and extra services rendered or performed in behalf of the City in the prosecution or defense of such important, difficult or unusual proceedings, which extra compensation shall be in addition to the fixed salary of the Corporation Counsel, and such additional compensation as may be fixed by the Common Council may be made from any special funds or unestimated receipts unappropriated which are available for such purposes. (As amended by L. 1903, c. 449; L. 1904, c. 449; L. 1904, c. 319; L. 1905, c. 484; L. 1912, c. 428; L. 1915, c. 583; L. 1917, c. 641; L. 1919, c. 352; 8-2-1924 by L.L. No. 2-1924; 5-4-1925 by L.L. No. 1-1925; 12-11-1925 by L.L. No. 4-1925; as part repealed 10-30-1925 by L.L. No. 5-1925; 5-20-1927 by L.L. No. 2-1927; 9-1-1928 by L.L. No. 2-1928; 12-29-1928 by L.L. No. 3-1928; 8-20-1930 by L.L. No. 2-1930; 1-30-1933 by L.L. No. 1-1933; 10-14-1933 by L.L. No. 3-1933; 4-1-1937 by L.L. No. 2-1937; 10-27-1937 by L.L. No. 4-1937; 12-27-1937 by L.L. No. 5-1937; 12-27-1937 by L.L. No.6-1937; 2-18-1938 by L.L. No. 2-1938; 12-30-1938 by L.L. No. 4-1938; 2-10-1939 by L.L. No. 5-1939; 2-10-1939 by L.L. No. 6-1939; 2-10-1939 by L.L. No. 7-1939; 1-15-1941 by L.L. No. 6-1941; 1-29-1942 by L.L. No. 1-1942; 1-29-1942 by L.L. 2-1942; 1-29-192 by L.L. No. 3-1942; 5-21-1942 by L.L. No. 4-1942; 7-30-1942 by L.L. No. 9-1942; 7-30-1942 by L.L. No. 11-1942; 7-30-1942 by L.L. No. 12-1942; 1-20-1943 by L.L. No. 1-1943; 11-5-1943 by L.L. No. 6-1943; 3-21-1944 by L.L. No. 2-1944; 6-23-1944 by L.L. No. 8-1944; 5-31-1946 by L.L. No. 1-1946; 11-15-1946 by L.L. No. 4-1946; 4-1-1947 by

L.L. No. 1-1947; 11-14-1947 by L.L. No. 9-1947; 3-26-1948 by L.L. No. 3-1948; 7-24-1948 by L.L. No. 6-1948; 10-22-1948 by L.L. No. 16-1948; 12-17-1948 by L.L. No. 17-1948; 1-10-1949 by L.L. No. 1-1949; 1-21-1949 by L.L. No. 2-1949; 5-15-1949 by L.L. No. 18-1949; L. 1953, c. 878, §252; 10-15-1989 by L.L. No. 5-1989)

### **§C2-6 Commencement and expiration of office.**

The term of office of each officer elected at a general city election shall, other than as herein provided, commence with the first day of January in the year following such election. The term of office of each officer appointed by the Mayor or by the Mayor and the Common Council for a full term shall, other than as herein provided, commence on the first day of February of the year in which such appointment is required to be made. (As amended by L. 1903, c. 449; L. 1904, c. 319)

### **§C2-7 City elections**

**Note: See State of New York Election Law  
(NYS Consolidated Laws, 1976, Chapter 233)**

### **§C2-8 (deleted)**

### **§C2-9 Salaries; when payable; fees and perquisites.**

The salaries of the city officers shall be payable in such installments and at such times and in such manner as the Common Council shall determine. The compensation fixed by the Common Council or by law for the several officers shall be in full for all services which they shall, respectively, perform for said city in any and all capacities, other than as herein provided. All fees and perquisites received by such officers shall, other than as especially provided by this act or in pursuance of any general law, be paid into the treasury for the benefit of the general city fund.

### **§C2-10 Suspensions and removals of appointive officers.**

The Mayor and each city board having appointive powers may remove any city officer appointed by them, for dishonesty, incapacity, neglect of duty or other irregularities or for the reason that there are no longer any duties to be performed, giving such officers reasonable notice thereof and a reasonable opportunity to be heard, and such officer may be suspended pending such investigation. Such hearing shall be had before the Mayor upon charges in writing, a copy of which shall be furnished to the accused.

### **§C2-11 Vacancies**

Other than as provided in this act, if a vacancy shall occur in any elective office of the city, except the office of Mayor otherwise than by expiration of term, the Mayor shall appoint, with the approval of the Common Council as hereinbefore provided, persons to fill such vacancies for the balance of the unexpired term. In case of vacancy in the office of Mayor, the vacancy for the unexpired term shall be filled by the Common Council. A vacancy occurring in an appointive office of the city, otherwise than by expiration of term, shall be filled for the balance of the unexpired term by the same authorities and in the same manner as an appointment for a full term.

## **ARTICLE III**

### **Powers and Duties of City Officers**

#### **§C3-1 Oaths**

Each officer of the City shall, before he/she enters upon the duties of office, take and file an official oath in accordance with Article XIII of the Constitution and Section 10 of the Public Officers Law, and for omission so to do shall be subject to all the liabilities and penalties prescribed by Section 42 of the Penal Code and Sections 13, 15, and 20 of the Public Officers Law. The Mayor, Clerk, and City Judge shall forthwith, upon election or appointment, file a certificate of election or appointment, together with the constitutional oath of office with the Clerk of the County of Clinton.

#### **§C3-2 Bonds**

Each City Chamberlain, Clerk, Superintendent of Streets and Parks and City Judge shall, before he/she enters upon the duties of office, execute and file an official bond in accordance with Section 16 of the Statutory construction Law and Sections 11, 12, and 13 of the Public Officers Law and, for omission so to do, shall be subject to the penalties and liabilities prescribed in Section 42 of the Penal code and Sections 13, 15, and 20 of the Public Officers Law; otherwise than as herein provided, the penal sum named in any such bond, or the sum specified in any such undertaking at the maximum amount of liability thereon, shall be fixed by the Common Council. If a surety company shall be bondsman, the fee charged therefor by the surety company shall be a charge against the City, but no agreement as to fees or compensation to be paid shall be made with any surety company without the approval of the Mayor.

#### **§C3-3 (Repealed by L.L. 93-7)**

#### **§C3-4 Oaths; affidavits and acknowledgements.**

The Mayor, Clerk, and City Judge of the City shall each have the same power and authority to administer oaths and take and certify affidavits and acknowledgements as a Justice of the Peace of towns in the County of Clinton.

#### **§C3-5 Mayor's powers.**

The Mayor shall be the Chief Executive Officer of the city and shall have and exercise all the powers conferred upon him by this act or by the general statutes of this state not inconsistent with this act. It shall be his duty to see that the laws of this state and the ordinances and bylaws passed by the Common Council are faithfully executed within the city. He shall sign on behalf of the city, all contracts made by it and cause the Seal of the city to be affixed thereto. He shall be the presiding officer of the Common

council and shall have the right to vote upon any questions when there is a tie vote in the Common Council. He shall have power and authority to call out and command the police and fireman whenever, in his discretion, he shall deem it necessary, and such command shall be in all respects obeyed. Whenever necessary for the prevention or suppression of public disturbances, mobs or riots, it shall be his duty to take such action as is authorized by the laws of the State of New York. It shall be his duty to exercise a constant supervision and control over the conduct of all city officers, and he shall have power and authority to examine at all times the books, vouchers and papers of any officers or employees of said city. The Mayor shall be provided by the Common Council with suitable offices in the City hall, which shall be kept open each day in the year, except Sundays and legal holidays, from 9:30am in the forenoon until 4:30pm in the afternoon. The Mayor shall not during such hours engage in any other business, profession or activity but devote himself exclusively to the affairs of the city, whether in said office or elsewhere. The Mayor shall have the power summarily to revoke any license of any Hackman, cartman or for the exhibition of any show. The Mayor of the city may hear in a summary way any complaint for violations of the laws of the state or of the ordinances of the Common Council against any person to whom a license of any description may have been granted in pursuance of this act and may compel the attendance of witnesses on hearing of such complain in the same manner as a Justice of the Peace in the trial of civil cases and on such hearing may annul such license or suspend the same for any certain time. Every determination on such complaint shall be forthwith filed with the City Clerk, who shall serve a certified copy thereof on the person holding the license affected by such determination, either personally or by leaving the same at his or her usual place of abode or business, and, from time of such service, such license shall be deemed to be annulled or suspended according to the tenor of the same, until the same shall be reversed by the Common Council. At least twenty-four (24) hours' notice of the time and place of hearing of such complaint shall be served upon the person complained, and such person may appeal from the determination of the Mayor, within forty-eight (48) hours after the same shall have been made, to the Common Council by filing his appeal with the Clerk and stating the grounds thereof, and the said Common Council shall have the power to reverse or affirm the same, but such appeal shall not be suspended or in any manner affect the determination until the decision of the Common Council thereon. It shall be the duty of the Mayor to communicate in writing to the Common Council as soon after the Mayor's election as practicable, and as often thereafter as the mayor may deem expedient a general statement of the affairs of the City in relation to its finances, government and improvement, with such recommendations as the Mayor may deem proper. (As amended by L. 1919, c. 352, 12-17-53 by L.L. No. 4-1953<sup>1</sup>) [1. Editor's Note: Amended during codification; see Ch. 1, General Provisions, Art. I]

### §C3-6 Powers and duties of City Judge

**Note: See NY Laws, 1988, Chapter 397 and applicable Rules and Regulations of the Unified Court System of the State of New York**

### §C3-7 Powers and duties of City Clerk.

The City Clerk shall act as registrar of vital statistics of the said city and shall discharge the duties imposed by law upon such office or officer but shall receive from the city no fees therefor, directly or indirectly. He shall perform such other duties incident to his office as may be required by the Common Council or by any general statute of the State of New York. He shall keep in his possession and have custody of all the proceedings of the Common Council which shall be transmitted to him by the Clerk of the Common Council. He shall also keep in his possession and have custody thereof of the proceedings

of the various boards in the City of Plattsburgh as transmitted to him by the clerks of such boards, except the Board of Trustees of the Plattsburgh Public Library. He shall keep an office at such place as the Common Council shall provide, which shall be kept open at such times as the Common Council may designate. He shall charge, custody and control of the Corporate Seal, books, papers, documents and official minutes of the city, except as otherwise provided or in pursuance of law. He shall keep a book and alphabetically index and record therein all bonds of the city officers, as well as all contractors, or other bonds running to the city or any of its officers, and note therein the date of filing of said bond. He shall, upon request and the payment of fees therefor, make certified copies of all records and documents in his possession or under his control as such Clerk and may affix the Corporate Seal of the city to any such certificate, and such seal shall be deemed to be his official seal, and any such certified copies shall be evidence as provided by the provisions of the Civil Practice Act. He shall keep an accurate account of all fees and moneys received by him as such Clerk, other than his salary, and shall on or before the 10<sup>th</sup> day of each month pay over all such fees and moneys received by him, except the fees and aforesaid for copies, during the month preceding immediately to the City Chamberlain to the credit of the general fund, for which he shall take receipt and file the same in his office. Such receipts shall, at all times, be subject to examination by the Common Council or any member thereof. His office is hereby declared a Town Clerk's office for the purpose of depositing and filing therein, all books and papers required by law to be filed in the town clerk's office, he shall possess all the powers and discharge all the duties of a town clerk not inconsistent with this act or the Local finance Law, except that chattel mortgages shall be filed as heretofore in the office of the County Clerk of the County of Clinton, and the law relating thereto is not this act changed. (As amended by L. 1903, c.449; L. 1912, c. 428; L.1917. c. 641; 5-4-25 by L.L. No. 3-1925; 8-15-42by L.L. No. 16-1942 which was repealed by L. 1945, c. 339; as amended 11-5-42 by L.L. No. 18-1942; L. 1943, c. 710; 11-5-43 by L.L. No. 8-1943; 5-13-49 by L.L. No. 20-1949; L. 1953, c. 878, §253<sup>1</sup>) [1. Editor's Note: Amended during codification; see Ch. 1, General Provisions, Art. II]

### **§C3-8 Corporation Counsel**

The Corporation counsel shall be the sole official legal adviser of the Common Council and other officers and boards of the city. He shall, when directed by the Mayor or by the Common Council, prosecute and defend all actions and proceedings by and against the city and every department thereof, including criminal prosecutions for violations of ordinances and violations of any provisions of this act, and shall perform such other professional services as the Mayor and Common Council may direct. He shall, when required, prepare all legal papers, contracts, deeds and other instruments for the city and different departments thereof, except as otherwise provided by the Local Finance Law. At the expiration of his tenure of office, he shall deliver to his successor in office, as soon as qualified, the record or register of all suits or proceedings in which the city or any of its departments may be a party and also papers on the part of the city. He shall also, in the event of the expiration of his tenure of office, sign stipulations substituting said successor as attorney for the city in such suits or proceedings to the end that an order may be entered making substitution. All costs in litigated cases wherein the city is a party and the city is successful shall belong to the city and, when collected, shall be paid to the City Treasurer and credited to and form a part of the general fund of the city. He may, with the written consent of the Mayor, employ counsel to assist him in the argument and conduct of important cases or proceedings in which the city or any officer, board or department thereof is interested or a party and may also, with the consent of the Mayor and Common Council, appoint an Assistant Corporation Counsel to act in his place and stead, in case of his absence or disability, and said Assistant Corporation Counsel, while so acting, shall receive the same pay as the Corporation Counsel. No written contract providing for the payment of two hundred dollars (\$200) or more entered in to by the city or any of its officers, boards or



departments shall become effected or be acted upon until there shall be endorsed thereon by the Corporation Counsel, a certificate to the effect that the said officer, board or department has executed the same on behalf of the city, had authority and power to make such contract and that such contract is in proper form and properly executed. He shall approve all deeds, conveyances, leases and titles, affecting property acquired, conveyed to or leased by the city; he shall attend to all law business of the city and shall discharge such other duties as shall be prescribed by law or by the ordinances of the Common Council. It shall be the duty of the Corporation Counsel to cause all claims for personal injuries to be fully investigated, and to that end he may take proof, examine witnesses and require the claimant, with the privilege of counsel, to appear and to be sworn by the Judge of the city Court or the Mayor or a member of the Common Council and answer orally any question relative to or that may assist him in ascertaining the city's liability or to the extent thereof in order that he may advise the proper officer or board of the city in respect thereto. The claimant may designate another time and place for the examination if he shall be physically unable to appear. Such examination shall be held within forty (40) days after the presentation of such claim, but the time therefor may be extended further by any Judge of a court of record or the City Judge, on notice to both parties. No action shall be commenced on any such claim where such an examination has been required until the same is held. He shall annually transmit to the Common Council at its last session of each year a report of the business done by him during the year. The Corporation Counsel shall, whenever he considers that the interest of the city will be sub served thereby, enter into any agreement in writing, subject, however, to the approval of the Common council, to compromise and settle any claim against the city, which agreement shall constitute a valid obligation against the city, and the amount therein appropriate to be paid shall, with interest thereon from its date, be included in the next city tax budget and be collected and paid the same as in all judgments against the city. If, however, before the adoption of the city tax budget, there shall be received by the City Chamberlain, from any source any money not otherwise appropriated, the amount in the agreement provided may be paid out of such moneys so received so far as the will satisfy the same. The amount of any judgment recovered against the city and payable by it, remaining unpaid, with the interest due thereon, in case the time to appeal therefrom has expired and no appeal has been taken or a certificate of no appeal therefrom has been given by the Corporation Counsel, or in case such judgment is finally affirmed, or an appeal taken and the execution thereon shall not be stayed, shall be reported to the Common Council immediately after the same shall have become payable as aforesaid; and the amount thereof shall be included in the next city tax budget. Such judgments shall be paid in the order of their recovery, out of moneys first paid to the City Chamberlain on account of the annual taxes or prior thereto. If, however, there are any moneys in the treasury to the credit of any fund derived from the city revenues, other than taxation, in excess of the estimated revenues from such source and not otherwise appropriated sufficient to satisfy judgments against the city, warrants may be issued by direction of the Common Council for the payment of such judgments out of said funds in the order of their recovery. Until the moneys applicable to the payment of a judgment have been raised and paid into the City Chamberlain and payment of the judgment has been refused, no execution shall issue against the city unless the amount of such judgment shall not have been included in the tax budget. All costs in litigated cases, exclusive of disbursements, as may be awarded to the city, when defendant and when collected, shall belong to the Corporation counsel and may be retained by him. (As amended 8-15-42 by L.L. No. 14-1942; L. 1943, c. 710; L. 1945, c. 839; 5-13-49 by L.L. No. 21-1949)

### **§C3-9 Councilors**

It shall be the duty of every Councilor to attend the regular and special meetings of the Common Council; to act upon committees where thereunto appointed by the Mayor or Common Council; to arrest or cause to be arrested all persons violating the laws of the state or ordinances, bylaws or police



regulations of the city when such violations are committed in his presence; to report to the Mayor all subordinate officers who are guilty of any official misconduct or neglect of duty; to aid in maintaining peace and good order in the city; and to perform or assist in performing all such duties as are by this act enjoined upon the Councilors of said city, separately or upon the Common Council thereof. The Councilors shall, in their respective wards, be fence viewers and shall possess all the powers and authority, in wards, which are given by law to fence viewers of towns, with respect to division fences, and shall be entitled to receive the same fees as fence viewers of towns. (amended by L.L. 92-9)

### **§C3-10      Constables**

The Constables of said city shall have the same powers, duties and jurisdiction and be subject to the same liabilities as if the City of Plattsburgh were a town in the County of Clinton and they were Constables thereof, except that they shall not execute any criminal process or exercise any authority or power in any criminal actions or proceedings, or special proceedings of a criminal nature, for or on account of any offense committed or charged to have been committed within said city.

### **§C3-11      Legislators**

[Editor's note: The form of government for the County of Clinton was changed by the Supreme Court 1968. Legislators thereafter are officers of the County]

### **§C3-12      Powers and duties of other City Officers.**

The powers and duties of all other City officers shall be such as are hereafter prescribed in this act or, when not so prescribed, as provided by existing general laws applicable to such officers or as designated by the Mayor and Common Council.

### **§C3-13      Payments of money made to general fund**

Other than as herein provided, all moneys belonging to said city shall be paid to the Chamberlain thereof and deposited to the credit of the general fund of the city; and all payment of moneys made by said city or by any board or officer thereof, when authorized by or in pursuance of law, and the fund from which such payment is not otherwise designated, shall be made from the general fund, but nothing in this act shall be construed as limiting, modifying or repealing any provision of the general law.

## **ARTICLE IV**

## **COMMON COUNCIL**

#### **§C4-1            Organization and procedure. [Amended L.L. 2009-4; L.L. 2010-2]**

The Mayor and Councilors of said city shall constitute the Common Council thereof. At all meetings of the Common Council, each councilor present shall have one (1) vote and the Mayor a vote in case of a tie vote in the Common Council; a Councilor's absence or abstention shall be counted as a 'no' vote. At the first meeting of the Common Council in each official year, or as soon thereafter as practicable, the Common Council shall choose one (1) of the Councilors to be the Mayor Pro Tem, who shall during such official year be the presiding officer of the Common Council in the absence of the Mayor, and while the Mayor is absent from the City or unable to perform the duties of the office, said presiding officer shall be Acting Mayor and have all the powers and duties and be subject to all the obligations and liabilities of the Mayor, but shall not, while Acting Mayor during such disability or absence of the Mayor, make any appointment or removal from office. In case of a vacancy in the office of Mayor, until a Mayor shall have been elected and qualified, the Mayor Pro Tem shall exercise all the powers of Mayor and perform all the duties of the office. The Acting Mayor shall not lose his vote as a Councilor by reason of acting as presiding officer of the Common Council at any time, but when the Mayor Pro Tem shall vote as a Councilor shall have no casting vote on a tie.

When there is a vacancy in the office of Mayor, or the Mayor is absent or unable to perform the duties of the office for an extended or frequent period(s) of time because of illness or disability, the Common Council shall increase the compensation and benefits of the mayor Pro Tem while he is Acting Mayor to a level commensurate with the compensation and benefits the Mayor Pro Tem would be entitled to receive if he were elected Mayor.

The Common Council shall also at its first meeting designate a suitable person to be Clerk of said Council, who shall keep a record of the proceedings of said Council and transmit the same to the City Clerk, to be kept as a permanent record, not later than four (4) days following each meeting of the Common Council, at such compensation as may be fixed by the Council. The Common Council shall hold regular or stated meetings in the Common Council rooms at such times as they shall by resolution designate. The Mayor or, in his absence, the Acting Mayor, or any three (3) Councilors may call special meetings by notice in writing served personally upon the other members of the Council or left at their place of abode at least six (6) hours before the time fixed for such meeting. The Common Council shall determine the rules of its own proceedings.

The attendance of absent members may be compelled by the Common Council or by a meeting thereof, at which less than a quorum is present, by the entry of a resolution and order in the minutes, directing the Chief of Police or any police officer of the City to arrest such absent member and bring said member before the Common Council at a meeting at which such a member was absent or the next or some subsequent meeting of the Common Council.

A majority of the Common Council, including the Mayor as a member thereof, shall be a quorum for the transaction of business, but a smaller number may adjourn from time to time. A majority of the entire membership of the Common Council is required to pass any resolution, local law or ordinance, except that no resolution authorizing or involving the appropriation of money or collection of money by tax or assessment shall pass unless it receives the assent of a majority of all the Councilors in office, except as otherwise provided in this act or the Local Finance Law. The ayes and noes shall be called and recorded on all resolutions and appointments. [Amended L.L. 2009-4]

All meetings of the Common Council shall be public, except that, when the public interests require secrecy, the Common Council may adjourn into Executive Session. Minutes shall be taken at executive sessions of any action that is taken by formal vote which shall consist of a record or summary of the final determination of such action, and the date and vote thereon; provided, however, that such summary need not include any matter which is not required to be made public by the Freedom of Information Law. (As amended by L. 1914, C. 341; 11-5-42 by L.L. No. 19-1942; L. 1943, c. 710; and Public Officers Law, Article 7; Open Meetings Law, Section 106)

#### **§C4-2 Mayor's approval or veto**

Every ordinance of the Common Council shall, before it takes effect, be presented, duly certified by the Clerk, to the Mayor. If the Mayor approves thereof, the Mayor shall sign it within (10) days after receipt thereof and file it so signed with the City Clerk. If the Mayor does not approve it, the Mayor shall, within ten (10) days after receipt thereof, return it to the City Clerk with any objections thereto in writing, and a statement that the Mayor does not approve thereof, and it shall have no force or effect unless the Common Council shall thereafter reconsider it and pass it over the Mayor's veto by the concurring vote of at least two-thirds (2/3) of the total number of Councilors in office, which vote shall be taken by ayes and noes and entered in the minutes, together with the objections of the Mayor. If any such ordinance so presented to the Mayor shall not be returned to the City Clerk within ten (10) days after the receipt thereof by the Mayor, it shall, at the expiration of such ten (10) days; have the same force and effect as if it had been approved and filed with the City Clerk. No ordinance of the Common Council shall have any force or effect or be deemed to have been enacted by the Common Council unless either it be approved by the Mayor or be not returned by the Mayor to the City Clerk within ten (10) days after the receipt thereof, or unless it is passed over the Mayor's veto in pursuance of the provisions of this section. (As amended by L. 1904, c. 319)

#### **§C4-3 Ordinances: time of taking effect**

Any ordinance enacted by the Common Council may specify the time when it shall take effect, but no ordinance shall take effect until after its publication at least once in the official newspapers of the City, provided there are such, notwithstanding the specifications therein of a previous time for its taking effect. If no time be specified in any ordinance so enacted for its taking effect, it shall take effect immediately, except there be official newspapers of the city at the time, it shall take effect only after its publication in such official newspapers; provided, however, that any ordinance, zoning law<sup>1</sup>, building or construction code<sup>2</sup> need not be published in newspapers in full, if there be published a general synopsis thereof and a statement calling attention to the fact that the original ordinance or measure is on file in the City Clerk's office. (As amended by L. 1904, c. 319; 3-7-30 by L.L. No. 1-1930)

[1. Editor's note: See Ch. 270, Zoning]

[2. Editor's note: See Ch. 149, Building Construction]

#### **§C4-4 Development of a Five Year Plan (Added by L.L. 93-7)**

The Common Council shall prepare a five year plan to guide the growth and development of the City. The plan shall include revenue and expenditure trends and projections, goals and plans for improving the efficiency of city government, desirable public projects and programs, and such other matters as may assist the mayor and the council in managing the city. The plan shall be adopted by resolution and shall be revised annually to include year five and reflect such changes as may be appropriate. The plan shall be adopted and modified by June 1 of each year.

### **§C4-5.1 Budget**

The budget shall provide a complete financial plan of all city funds and activities for ensuing fiscal year and, except as required by law or this charter, shall be in such form as the city council may require. The budget shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating the proposed property tax levy, utility rates, and other fees and charges, and all proposed expenditures, including debt service, for the ensuing fiscal year; It shall indicate in separate sections:

- (1) How each department's or program's expenditures comport with the goals and objectives of the City's five year plan, including the method of financing such expenditures; and
- (2) Proposed capital expenditures during the ensuing fiscal year consistent with the five year capital program, detailed for each fund by organization unit when practicable, and the proposed method of financing each such capital expenditure; and
- (3) The anticipated income and expense, and profit and loss, for the ensuing year for each utility and any department or program operated by the City which derives more than 50% of its operating revenues from fees or charges. Such budgets shall include all income and expenses including the estimated cost of expenses not paid directly by the department or program, such as property insurance, equipment depreciation, employee benefit expenses and support services provided by other departments or programs. The operating budget shall include the number and amount of delinquent customer accounts more than 60, and 120 days past due. The amount of general fund revenue budgeted for use by such department shall be clearly identified.

For any fund, the total of proposed expenditures shall not exceed the total of estimated income plus carried forward fund balance, exclusive of reserves.

### **§C4-5.2 Budget Report**

The mayor's report shall explain the budget both in fiscal terms, and in terms of current and proposed programs. It shall: describe the current year's budgeted and actual income and expenditures by department and program and an explanation of any deficit or surplus that is more than 5% of the budgeted amount; the facts or assumptions underlying any increase in revenues or expenditures for the following year which exceeds the current year's budget; a description of the need, cost, and method of funding any new program; a summary of the city's outstanding indebtedness including: the city's debt limit, total outstanding indebtedness, authorized by unissued notes and bonds, the interest rate on existing debt and whether such debt can be refinances; and any material change in financial policies.

### **§C4-5.3 City Council Action on the Budget**

(a) Notice and Hearing. A summary of the proposed budget, a notice of when and where the budget and budget report are available for public inspection, and the time and place of a public hearing on the proposed budget shall be published on or before October 8. A public hearing shall be held on the proposed budget not sooner than October 15 nor later than October 22.

(b) Adoption. The Common Council shall adopt a budget and necessary implementing ordinances not later than 14 days after the start of the fiscal year. Following a public hearing on the budget, the council may amend the budget. The amendment shall be supported by the information required to be included in the budget and budget report submitted by the mayor. Excluding the capital cost of capital

expenditures planned to be financed, budgeted expenditures (including debt service) shall not exceed budgeted revenues plus carried forward fund balance, exclusive of reserves.

(c) Failure to Adopt. If the Common Council fails to adopt a budget within 14 days of the start of the fiscal year, the budget submitted to the Council by the mayor and all necessary implementing ordinances shall take effect.

#### **§C4-5.4 Appropriation and Revenue**

Not later than 14 days after the start of the fiscal year, the Common Council shall adopt ordinances:

- (a) Appropriating funds by department, board or unit of government and for each separately budgeted program or activity.
- (b) Authorizing real property tax levies to raise the budgeted amount of real property tax revenue.

New taxes, fees or charges shall be established by ordinance or local law. Fees and charges may be adjusted by resolution where authorized by ordinance or local law.

#### **§C4-5.5 Amendments after Adoption**

The budget may be amended after it is adopted, as follows:

- (a) Supplemental Appropriations. If during the fiscal year the mayor certifies that there are available for appropriation revenues in excess of those estimated in the budget, the city council by ordinance may make supplemental appropriations for the year up to the amount of such excess.
- (b) Emergency Appropriations. To meet a public emergency, or to pay a judgment against the city, or a catastrophic loss in an amount in excess of the city's insurance coverage, the common council may make emergency appropriations. To the extent that there are no available unappropriated revenues or a sufficient fund balance to meet such appropriations, the council may borrow funds to pay such costs on such terms as are permitted by the Local Finance Law.
- (c) Reduction of Appropriations. If it appears to the mayor that there is likely to be insufficient revenue or unappropriated funds to pay an appropriation, he shall promptly inform the Common Council of the amount of the estimated deficit and recommend a course of action. The Common Council may, by ordinance, reduce one or more unencumbered appropriations to eliminate such deficit.
- (d) Transfer of Appropriations. The Common Council may, by resolution, transfer part of all of any unencumbered appropriation from a department, board or unit. The mayor may by executive order, transfer part of all of any appropriation for an activity or program within a department to another activity or program within such department, provided he informs the Common Council of such action in writing within 10 days.
- (e) Public Borrowings. Nothing in this Article shall be construed to limit the city's borrowing powers under the provisions of the Local Finance Law.

#### **§C4-5.6 Lapse of Appropriations**

All unexpended and unencumbered appropriations shall lapse at the end of each fiscal year, except appropriations for capital projects, which shall lapse at the end of two years from the fiscal year in which such project was planned to be undertaken if moneys for such project have not been spent or encumbered.

#### **§C4-5.7 Overspending of Appropriations Prohibited**

No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made and unless the mayor of the city chamberlain first certifies that there is an unencumbered appropriation to pay such expense. Any authorization of payment, or incurring of obligation, in violation of the provisions of this article shall be void, and any payment so made illegal. Any city officer or employee who knowingly pays, or causes the city to become obligated to pay any expense without an appropriation sufficient to pay the cost thereof shall be liable to the city for the amount so paid, and may be removed from office or discharged. This section does not prohibit the city from entering into contracts, leases or other obligations which require the city to make payments over more than one fiscal year.

#### **§C4-5.8 Capital Program**

(a) Submission to City Council. On or before October 1 of each year the mayor shall submit to the Common Council a five-year capital Program. For each year the capital program shall identify each planned capital expenditure, the estimated cost of acquiring and maintaining the capital asset, the proposed method of payment, the cost of operating any capital facility, and the approximate month and year when the capital asset will be purchased or constructed. The capital program shall be revised and extended one year annually.

(b) Summary of Capital Program. A summary of the capital program, a notice of when and where the capital program is available for public review, and the time and place of a public hearing on the proposed capital program shall be published on or before October 8.

(c) Public Hearing. A public hearing shall be held on the proposed capital program not sooner than October 15, nor later than October 22.

(d) Adoption. The Common Council shall adopt the capital program within 14 days of the start of the fiscal year following the public hearing provided for in (c) above. Following a public hearing on the proposed capital program, the Common Council may amend the capital program. Any amendment shall be supported by the information required to be included in the capital program submitted by the mayor.

(e) Failure to Adopt. If the Common Council fails to adopt a capital program within the time limited by (d) above, the capital program submitted to the Council by the mayor shall take effect.

#### **§C4-5.9 Voting Requirements**

Except as otherwise provided herein, all action of the Common Council pursuant to this article shall require the affirmative vote of two-thirds of the councilors then in office.

#### **§C4-6 Independent Audit (Added by L.L. 93-7)**

The city's financial accounts shall be audited annually by a certified public accountant or the State of New York. No person, or accounting firm, whose owners or professional employees have any direct or indirect interest in the financial affairs of the city or any of its officers, shall be engaged as auditor. The auditor shall be retained not later than 30 days after commencement of the fiscal year by resolution adopted by majority vote of the Common Council. The auditor may be retained for not more than three consecutive years, unless a contract for such services is publicly bid, and such auditor is the lowest qualified bidder.

## **§C4-7 (Repealed by L.L. 93-7)**

### **§C4-8 Amounts to be raised by tax**

The amounts included in the estimates of the several departments, boards, commissions and offices to be raised or required by law to be raised by tax for the expenses of general government, the protection of persons and property, streets, public improvements, sanitation, public health, public welfare, recreation, a contingent fund, judgments and settlements, contributions to the New York State employees retirement system, the principal and interest of the public debt of the city or any other obligations of debt which by law may be created against the city and amounts as may be necessary to make up the deficiency occasioned by previous illegal and erroneous assessments and uncontrolled taxes and assessments and all of such further sum or sums that may be required during any one (1) year for carrying on the ordinary affairs and general expenses of the city, as authorized by this act or by other law, shall be raised by general tax. Nothing contained herein shall prevent the financing in whole or in part, any expenditure pursuant to the Local Finance Law. The Common Council shall also direct and cause such amount to be raised annually by general tax as shall be determined to be necessary for library purposes. (As added by L. 1947, c. 761; amended by L. 1953, c. 878, §254)

### **§C4-9 General legislative powers**

The general legislative powers of said city for all proper municipal purposes, except such power as may be vested in the Common Council. The Common Council shall furnish the officers of the city with necessary office room, office furniture, books and stationery, shall keep in proper repair the public buildings of the city, may authorize any city officer to inspect any place or places to ascertain whether the same are in safe condition and, if not, may require the same to be made so; may require any officer of the city to furnish reports, information or estimates whenever deemed proper by the Council; may employ a pound keeper, a Director of Weights and Measures and such other employees of the city as may be necessary to execute the work which the Common Council is authorized and required to cause to be executed; and may fix their compensation.<sup>1</sup>

[1. Editor's note: Amended during codifications; see Ch. 1, General Provisions, Art. II]

### **§C4-10 Improvements; nuisance removal: costs**

The Common Council shall have the power to compel the owner or occupant of any building or wall which it may deem to be in a dangerous or unsafe condition by reason of or on account of fire or otherwise to render the same safe or to take down and remove the same and, in case of his neglect so to do, to cause it to be taken down or removed at the expense of the owner or occupant; to direct the owner or owners of any building used for public entertainment, public purposes or wholly or in part for tenement purposes or office or business places to provide the same with suitable and sufficient fire escapes, in the manner provided by the Common Council and, in case of failure or neglect of such owner so to do, to cause such work to be done at the expense of the owner; to authorize any city officer or any person designated by the Common Council to inspect any place or places to ascertain whether the same are in a safe condition and, if not, to require the same to be made safe and, if the owners thereof shall neglect or refuse so to do, to cause the same to be made safe at the expense of the owner.



## **§C4-11 Mandated Services (Added by L.L. 93-7)**

The city shall guarantee that the following services shall be available to its citizens: public safety; public works infrastructure (including water, sewer, sanitation, power, streets and sidewalks); planning and development; public records; public parks and recreation; public library. The city council may provide additional services as deemed necessary. In lieu of providing any of these services through city departments, offices, or agencies, the city council may: (1) arrange with other governments, public agencies, or private businesses to provide any one or more of these services, or, (2) find that any such service is available to the public at reasonable cost through private sources, and therefore not necessary to provide as a public services.

### **§C4-11.1 Finances and property control; ordinances; rules and regulations**

The Common Council shall exercise all the corporate powers conferred by this act and, other than as provided by law or this act, shall have the management and control of Fire, Police, Public Works and Water and Sewage Departments, except appointments to positions therein which shall be made as provided in Sec 2-4 of this act and of the finances and of all property, real and personal, belonging to said corporation, except such property as may be by law exempt from such control. All Payments from funds of the city shall be authorized by listing or a warrant register, signed by the Mayor and countersigned by the City Clerk, and checks issued therefor shall be signed by the City Chamberlain. Warrants for payment of fixed salaries and to cover payrolls of laborers audited by the Superintendent of Streets and Parks and approved by the Mayor may be issued and delivered without previous audit by the Common Council as required in the case of other claims. The Common Council shall have the power with the approval of the Mayor as hereinbefore mentioned, to make, establish, modify, annual and repeal ordinances, rules, regulations and bylaws for any of the purposes heretofore specified in this act and for the following additional purposes:

- A. To prevent vice and immorality, to preserve peace and good order, to prevent and quell riots and disorderly assemblages.
- B. To prohibit all exhibitions of any natural or artificial curiosities, caravans, circuses, theatrical and other shows or exhibitions or performances, whether free or for money, within the bounds of the city, if the Common Council shall deem it advisable to license the same, upon such terms as the Common Council may direct, and to prohibit theatrical or other shows or exhibitions or performances in any place where liquors are sold within the bounds of said city.
- C. To suppress disorderly houses, houses of ill fame, gambling, gaming tables and all instruments and devices employed in gaming; to regulate or restrain pool and billiard playing by minors in public places, and the playing of games of chance by minors; also to restrain minors from being in public places at night within specified hours, when not attended by adult persons; to restrain and punish street beggars, vagrants and mendicants; to regulate and restrain all occupants and businesses noxious to public comfort.
- D. To determine the existence and direct the removal of a nuisance in any part of the city; and if the same be not removed within such time as the Common Council shall direct, to cause the same to be removed at the expense of the city and to declare such expense to be a lien on the lot and to enforce a collection thereof by leasing or selling the premises in the manner provided in this act for the collection of other assessments, or by action against the owners of the lot or any other person who may have erected, suffered or maintained such nuisance; and in case of the non-removal or abatement of any such nuisance, the Common Council may impose a penalty therefor and enforce the collection thereof, as prescribed by this act.



- E. To direct the location of all houses for storing of gun powder and other combustibles and explosive substances and to regulate the keeping, selling and conveyance thereof and the use of candles and lights in barns, stables and outbuildings.
- F. To regulate and restrain hawking and peddling in the streets and to regulate the time, mode, manner and place of holding auctions or public sales of merchandise and all personal property and to prohibit such sales on any of the sidewalks or crosswalks of the city or the streets of the same; to license sales at auctions in said city of goods or property belonging to persons not residents of said city or which goods shall have been purchased with the intent to sell the same at auction and to prevent such sales without license and to require the payment to the city of such sums for such licenses as shall be provided for, not exceeding twenty-five dollars (\$25) per day for each day upon which such sales shall be held.
- G. To regulate the sale of fresh meats, fruit, poultry, butter, cheese, eggs, honey, vegetables, fish and other articles disposed of from vehicles or wagons and the fees for marketing privileges.
- H. To license and regulate cabmen, porters, cartmen, hackmen and drivers of hackney carriages, stages or omnibuses for the transportation of passengers within the city, to fix their rates of compensation and to require them to have licenses
- I. To regulate the speed of running teams of cars in the city within one-half ( $\frac{1}{2}$ ) mile each way from any steam railroad depot or station in said city and to regulate runners, stage drivers and others in soliciting passengers and others to travel or ride in any stage or omnibus or to go to any hotel or otherwise.
- J. To designate such portion of said city as it may deem proper within which no building in whole of wood or other combustible material shall be erected.
- K. To prescribe or define such powers and duties of officers of said city as are not specified in this act and are not inconsistent therewith.
- L. The Common Council shall have power to punish the willful giving of a false fire alarm.
- M. To lay out, establish, construct, maintain, operate, alter and discontinue streets, bridges, sewers, drainage systems, water systems and lighting systems for lighting streets, public buildings and public places and to lay out, establish, construct and operate markets, parks, playgrounds and public places or to establish departments of government for the operation of the same. To extend the waterworks of said city to such points outside the corporate limits of the City of Plattsburgh whenever in the judgment of said Common Council the best interests of the said city shall be served.
- N. To employ an engineer, servants and laborers and to fix the compensation of all persons so employed by them.
- O. To make all contracts relating to construction, paving, curbing, guttering and repair of the streets and sidewalks, public places and public squares, sewers and the cleaning of streets, sprinkling and the removal of dirt therefrom, the grading, paving and repaving, macadamizing and remacadamizing of all streets, public places and public squares and laying or extending of sewers and the provisions of all materials, machinery, implements and utensils necessary therefor; provided, however, that the grant of any specific power under the provisions of this section shall not be construed in any way as a limitation of power granted to the City of Plattsburgh under any general or special statute.
- P. In addition to the other powers conferred upon it by law, the Common Council shall have power to prohibit, permit or regulate, to restrict, locate or relocate the placing or maintenance of tanks, containers, pumps, standpipes, hoses, lightposts and other similar appliances for the storage and distribution of gasoline, oil and other motor fuel within the boundaries or beneath the surface of any street, sidewalk or other public place in the City of Plattsburgh, to at any time remove or cause to be removed such tanks, containers, pumps, standpipes, hoses, lightposts and other similar appliances as are now or may be hereafter placed within the boundaries or beneath the surface of any such street, sidewalk or public place pursuant to this act; for the purpose of revenue or regulation to require of applicants for permission to so place and maintain such tanks, containers, pumps, standpipes, hoses, lightposts and other similar appliances the payment of such fee or license therefor and the compliance

with such other conditions as it may deem proper; and to adopt ordinances carrying into effect the power granted to it by this or any other provisions of law, fixing the amount of such fee or license and such other terms and conditions and prescribing penalties for violation of such ordinances. (As amended by L. 1905, c. 362; L. 1910, c. 496; L. 1912, c. 428; L. 1914, c. 341; L. 1917, c. 641; 6-15-28 by L.L. No. 1-1928; L. 1943, c. 710; as part repealed by L. 1945, c. 339; as amended 6-11-48 by L.L. No. 8-1948; 5-13-49 by L.L. No. 22-1949; 9-1-82 by L.L. No. 3-1982<sup>1</sup>)

[1. Editor's note: Amended during codification; see Ch. 1, General Provisions, Art. II]

#### **§C4-12 Streets, roads, water and sewer facilities, sidewalks and curb extensions and improvements**

A. Whenever the Common Council shall intend to acquire, purchase or receive lands or rights or easements therein to open and construct new streets and roads or other public grounds, new water and sewer facilities or sidewalks and curbs or to extend, widen or otherwise alter existing streets and roads or public grounds, water and sewer facilities or sidewalks and curbs, it shall require that the same be surveyed and monuments be placed showing the lines thereof, and a map shall be made of the same which shall be filed in the City Clerk's office. And for that purpose, the Common Council and those enacting under its direction shall have the right to enter upon any grounds in said city.

B. In the event that the Common Council is unable to agree with the owners for the purpose of such lands or rights or easements therein required for the purposes aforesaid, it may acquire the same by proceedings pursuant to the provisions of the Eminent Domain Procedure Law of the State of New York.

C. Whenever any of the aforesaid projects are contemplated, the Common Council shall require the appropriate city official to cause proper plans and specifications and estimates of costs to be prepared, and such data shall be transmitted to the Common Council after which they will remain on file in the Office of the City Clerk.

D. In the event that the Common Council shall determine that the work or construction under contemplation shall be accomplished, it shall record an authorization to that effect in its minutes and shall cause to be transmitted to the proper officials copies of such authorizations.

E. Expenses incurred in the opening and construction of new streets, roads or other public grounds, water and sewer facilities and the replacement of any such facilities, or to widen or extend or otherwise alter existing streets, roads, public grounds, water and sewer facilities, shall be a charge against the property benefited.

F. For the construction of new sidewalks and curbs or for the extension of existing sidewalks and curbs or the replacement of any of the same, each lot or parcel of land fronting thereon shall be assessed the total expense of all such construction costs in front thereof. It shall in all cases be the duty of the owner of any lot or piece of land within the city to remove or clean away snow, ice or other obstruction from the sidewalk fronting his land. The Public Works Department shall also have the power to clean snow, ice or other obstruction from any sidewalk where the same shall have remained for twenty-four (24) hours, and the expense of making such repairs or cleaning any sidewalk shall be a charge upon the property adjacent thereto.

G. Upon completion of the aforementioned projects for which assessments for benefits have been fixed and determined by the Common Council and upon completion of any sidewalk or curb or of the work of clearing sidewalks, the Public Works Department shall submit to the City Chamberlain, for transmittal to the Common Council, a special assessment roll listing the properties and the owners thereof opposite with such construction or work has been completed, together with a description of the work or improvement and the amount of the assessment against each parcel of property.

H. Upon authorization by the Common Council, a warrant for the collection of such special assessment shall be executed by the Mayor and City Clerk and delivered with the special assessment roll to the City Chamberlain. The City Chamberlain shall cause to be published once in the official newspaper of the city, a notice of the receipt by him of such assessment roll and warrant and stating that such assessments are required to be paid at his office on or before the expiration of thirty (30) days from the date of said publication. The City Chamberlain shall also mail to each property owner listed on such assessment roll an itemized statement covering the cost of the improvement or work assessed against the property.

I. After the expiration of thirty (30) days, fees on the amounts of assessments remaining unpaid shall be charged and collected as provided in §C11-11 and enforcement and collection shall be made pursuant to the provisions of §C11-23.

J. The provisions of this section relating to the payment of the cost of opening and construction of new streets and roads and other public grounds, new water and sewer facilities or sidewalks and curbs or to extended, widening or otherwise altering existing streets and roads or other public grounds, water and sewer facilities or sidewalks and curbs, and the replacement thereof, by the owners of property benefited shall not apply to projects financed in whole or in part by federal or state aid. (As added 5-13-49 by L.L. No. 23-1949; amended 5-26-54 by L.L. No. 4-1954; 12-4-80 by L.L. No. 3-1980 by L.L. No. 1-1981)

#### **§C4-13 Notice of Assessments**

Upon receiving any assessment roll with the warrant or authority to collect assessments other than those provided for in §C11-10, the City Chamberlain shall give notice in the official newspaper of the City of Plattsburgh of the receipt by him of such assessment roll and warrant and that all persons named therein are required to pay their assessment on or before December 31 of the year in which said assessment is levied. (As added 12-26-63 by L.L. No. 1-1963)

#### **§C4-14 Real estate to be sold**

In case any of said assessments remain unpaid after the foregoing proceeding having been taken, the amount thereof shall be added to the amount assessed against such land for general city taxes and included in the next general city tax roll, and the whole of such assessment shall be collected in the same manner as general city taxes, and all penalties and interest against said assessment shall commence at the same time as penalties and interest for general city taxes. (As added 12-26-63 by L.L. No. 1-1964)

#### **§C4-15 Lien of Assessments**

Every tax or assessment imposed for local improvement, or other object in pursuance of this title, shall be and remain a lien upon the land upon which it is assessed, from the filing of such assessment roll in the office of the City Chamberlain, until the same has been paid. No error of mistake in the name of any owner or occupant of any lot or parcel of land assessed for local improvement, or the fact that the person named as owner or occupant is not the owner or occupant of such lot or parcel, or that a clerical or immaterial error has been made, shall invalidate such assessment roll or the assessments therein or any bonds issued in pursuance thereof. In case any tax or assessment be void or shall have failed for want of jurisdiction, or for any irregularity in the levying or assessing thereof under this title, the Common Council shall have power and it shall be its duty to cause the same to be reassessed in a proper

manner; if any person shall have paid on a former assessment, the same shall be credited; or in case the payment exceeds the amount reassessed, the surplus shall be refunded. In case the amount assessed for any local improvement shall not be sufficient to defray the expenses of such improvement, the Common Council shall cause the amount of the deficiency to be assessed as hereinbefore provided. (As added 5-16-49 by L.L. No. 28-1949)

#### **§C4-16 Taxes and assessments: liens**

Every tax and assessment imposed under any of the provisions of this title shall be a lien upon all real estate against which the same shall be assessed, for ten (10) years from the filing of such assessment roll, superior to any mortgage, judgment or other lien of any nature, except general city and school tax affecting the same and shall have priority thereto, or to any conveyance thereon, and notice to the occupant or tenant shall be held to be deemed a notice to the owner or owners of said real estate. (As added 5-13-49 by L.L. No. 30-1949)

#### **§C4-17 Violation of ordinances**

Any ordinance enacted by the Common Council may provide that any person violating such ordinance shall be guilty of a misdemeanor or of disorderly conduct or shall be liable to pay to the city a sum therein named as a penalty not exceeding one hundred dollars (\$100), to be recovered in a civil action. If no provision be made in any ordinances as to the effect of a violation thereof, every violation thereof shall be a misdemeanor. If violation of any such ordinance be made a misdemeanor or disorderly conduct by any other law, but one conviction shall be had on account of such conduct. If the violation of any ordinance constitutes a misdemeanor or disorderly conduct, and also rend a person violating such ordinance liable to a penalty in a civil action, the conviction of either disorderly conduct or misdemeanor on account of such conduct shall be a bar in the recovery of the penalty in the civil action, and the recovery and payment of a judgment for the penalty in a civil action shall be a bar in the prosecution for either the misdemeanor or disorderly conduct on account of such violation. The City may maintain an action to restrain by injunction a violation of any ordinance of the Common Council, notwithstanding that such ordinance may provide a penalty for such violation.<sup>1</sup>

[1. Editor's note: Amended during codification; see Ch. 1, General Provisions, Art. II]

#### **§C4-18 Licensing occupations**

If any ordinance of the City prohibits the carrying on of any occupation without a license therefor, the Common council may fix the fee for such license or may prescribe the minimum and maximum limits to the fee which may be charged therefor in the discretion of the Mayor. All applications for such license shall be made to the Mayor. The Mayor may grant or refuse any such license in his discretion. If the Mayor determines to grant such license, he shall issue an order to the City Clerk to issue such license upon the production of a receipt from the City Chamberlain for the amount specified in such order and receipt, and he shall issue such license accordingly. The City Chamberlain shall credit all fees so received to the general fund. The clerk shall keep a record of each license, the person to whom issued and the fee paid therefor.

#### **§C4-19 Change of ward boundaries (repealed by L.L. 92-8)**

#### **§C4-20 Official newspapers**

The Common Council of the City of Plattsburgh shall have the power to designate a newspaper with a circulation within the City of Plattsburgh as the official newspaper of said City. (As amended 6-8-43 by L.L. No. 3-1943; as repealed 3-11-49 by L.L. No. 12-1949; as reenacted 7-1-9 by L.L. No. 43-1949; amended 12-18-69 by L.L. No. 2-1969)

#### **§C4-21 Transaction of City: rules and regulations**

The Common Council shall have power to make such rules and regulations and adopt such methods for the convenient transaction of business of the City by the several boards, departments and officers thereof, not inconsistent with the duties and powers given such boards, departments and officers by this act and general laws.

### **ARTICLE V**

#### **Department of Finance**

##### **§C5-1 Organization**

There shall be in the City of Plattsburgh a Department of Finance, which, under the direction of the Common Council, shall be headed by the City Chamberlain. The Department of Finance shall be the fiscal and budget department of the city and shall keep an office in such place as the Common council shall designate and proved, which shall be kept open for business according to the schedule of business days as fixed by the Common Council. (As added 5-13-49 by L.L. No. 31-1949)

##### **§C5-2 Surety bonds**

The City Chamberlain and Deputy City Chamberlain shall respectively execute and furnish official bonds of solvent surety companies in penal sum which the Common Council shall determine and fix. All employees of said Department of Finance shall also furnish such bonds in such sums as the Council shall fix. Such bonds shall be approved by the Corporation Counsel and the Common council. A certificate of such approval shall be endorsed thereon and the same shall be filed in the City Clerk's office. (As added 5-13-49 by L.L. No. 3-1949; amended 3-18-74 by L.L. No. 1-1976)

##### **§C5-3 City Chamberlain**

The City Chamberlain shall as fiscal officer of said city:

A. Be custodian of all funds, moneys and securities which are the property of the city or of any of its boards and commissions, offices and departments, and he shall deposit them in the bank or banks which shall from time to time be designated by the Common Council as the official depositories of for the city, where he shall establish such bank accounts as may be required. In addition, he shall maintain a separate trust funds bank account for the disposition of moneys not representing either income for or expense against the city.

- B. Be the custodian of all obligations, notes and other evidences of debt of the city. On authority of the Common Council, he shall determine and fix the terms and conditions of city borrowings and shall be responsible for the proper repayment thereof by the city.
- C. Make all payments for all payrolls, expenses and other authorized disbursements of the city, its boards and commissions, offices and departments, on receipt of duly authorized and executed warrant register. Notwithstanding such provisions, however, he shall not pay out money for any purpose or object for which no appropriation previously was authorized; he shall not pay out money chargeable to any fund or appropriation in excess of the encumbered balance standing to the credit of such account; and he shall not pay out money from any account or appropriation to which such disbursement is not properly chargeable.
- D. Use of mechanical check-signing facilities is hereby authorized for all payments of city monies to affix or imprint a facsimile signature of the City Chamberlain on checks not exceeding ten thousand dollars (\$10,000) except for payments from trust and agency funds. [Replaced: LL2003-7]
- E. Receive all state, county, city and local taxes, assessments, water and sewer rentals and charges and other revenues which may be paid to such office and shall issue appropriate receipts, serially numbered, therefor. He shall retain in such office, and not elsewhere, possession of warrants for payments or collection and assessment rolls which may, from time to time, be delivered to him by duly constituted authority.
- F. Issue appropriate receipts, serially numbered, to other offices and departments, boards and commissions of the city for all earnings and revenues from all sources, all of which shall be deposited by him.
- G. Annually prescribe, prepare and furnish to all departments necessary information and forms for preparation of budgets. He shall assist the budget and finance committee of the Common council in the preparation of the annual budget and shall compute the tax rates necessary for the levy upon taxable property. He shall, subject to the Mayor and Common council, control the detailed operation of the budget during the fiscal year and, subject to the final responsibility of the auditing committee of the Common Council, he shall preaudit payrolls and claims submitted for payment and shall have the right to inquire of departments about the details of such payrolls and claims.
- H. Keep the accounts of the city, including separate accounts of revenues and receipts, appropriations and disbursements and, for that purpose, shall keep detailed books on which all receipts and disbursements shall be entered and shall maintain a uniform system of municipal accounts as prescribed by the State Comptroller pursuant to provisions of the General Municipal Law.
- I. File monthly and annually at the end of the fiscal year, with the Mayor and common council, and at such other intervals as they may require, reports of the city's fiscal affairs. These reports shall be in such form as shall be prescribed by the Common Council.
- J. Prescribe the necessary forms and contents thereof, subject to the approval of the proper authority, for the use of the Department.
- K. At the termination of his incumbency, he shall convey to his successor in office all moneys, securities, warrants and assessment rolls, books and papers belonging to the city or pertaining to the affairs of the city in connection with the duties of his office. (As added 5-13-49 by L.L. No. 31-1949; amended 5-22-62 by L.L. No. 6-1962; 8-26-82 by L.L. No. 3-1982)

#### **§C5-4 Designation of Acting Chamberlain**

In the event of the absence or other disability of the City Chamberlain and Deputy City Chamberlain, the City Chamberlain or the Acting City Chamberlain may designate a member of the Department of Finance as Acting City Chamberlain to act in his place and stead for the duration of such period and shall indicate

such designation in writing to the Mayor and Common Council. (As added 10-3-57 by L.L. No. 5-1957; amended 3-25-76 by L.L. No. 1-1976)

## **ARTICLE VI**

### **Department of Public Works**

#### **§C6-1 Organization**

A. There shall continue in the City of Plattsburgh a Department of Public Works. Said Department shall have jurisdiction over all streets, highways, curbs, sidewalks and all public lands, buildings and works, except those public works which come under the jurisdiction of some other department. The Superintendent of Streets and Parks, under the direction of the Mayor and Common Council, shall be the chief executive officer of said Department.

B. There shall also be a Superintendent of Streets and Parks who shall perform such duties as may be assigned to him by the Mayor and Common Council. (As added 5-13-49 by L.L. No. 32-1949; amended 12-17-70 by L.L. No. 11-1970<sup>1</sup>)

[1. Editor's note: Amended during codification; see Ch. 1, General Provisions, Art II]

#### **§C6-2 Duties of Superintendent of Streets and Parks**

It shall be the duty of the Superintendent of Streets and Parks to supervise generally all the activities of said Department, to make or cause to be made such plans as are necessary for the opening, altering or widening of streets, lanes or alleys within said City of Plattsburgh. He shall keep accurate records of all employees who may be employed by said Department and approve all payrolls which shall be submitted in accordance with the provisions of this act. In addition, he shall perform such duties as are assigned to him by the Mayor. (As added 5-13-49 by L.L. No. 32-1949<sup>1</sup>)

[1. Editor's note: Amended during codification; see Ch. 1, General Provisions, Art II]

## **ARTICLE VII**

### **Department of Water and Sewage**

**[Added 5-13-49 by L.L. No. 33-1949**

#### **§C7-1 Organization**

The Department of Water and Sewage is hereby continued. Said Department shall have exclusive jurisdiction over all sources of water supply within and without the City of Plattsburgh, New York, over all water mains, pipes and lines within and without the City of Plattsburgh and over all sewer lines within and without the City of Plattsburgh and shall have exclusive jurisdiction over all facilities of water and sewage which may be acquired in the future or are now in existence. The Superintendent of Water and Sewage shall act as the head of the Water and Sewage Department. The City chamberlain shall be financial officer for the Water and Sewage Department. (As added 5-13-49 by L.L. No. 33-1949; 2-15-68 by L.L. No. 2-1968<sup>1</sup>)

[1. Editor's note: Amended during codification; see Ch. 1, General Provisions, Art II]

#### **§C7-2 Duty of City Engineer**

It shall be the duty of the City Engineer to make or cause to be made such plans as necessary for the construction and laying of all water mains and sewer lines within or without the City of Plattsburgh. (As added 5-13-49 by L.L. No. 33-1949; 2-15-68 by L.L. No. 2-1968)

## **ARTICLE VIII**

### **Fire Department**

#### **§C8-1 Control of Department**

The powers and duties connected with and incident to the control, government and discipline of the Fire Department of the City of Plattsburgh, except as herein otherwise provided, shall be vested in the Common Council.<sup>1</sup>

[1. Editor's Note: See Ch. 57, Fire Department]



## **§C8-2 Composition**

The Fire Department of the City of Plattsburgh will consist of a Fire Chief and any assistant Fire Chiefs, Fire Captains, Fire Lieutenants and fire fighters as the Common Council may deem necessary. (As amended by L. 1903, C. 449; L. 1904, c. 319; L. 1912, c. 428; L. 1915, c. 583; 5-4-25 by L.L. No. 2-1925; 5-20-27 by L.L. No. 1-1927; 2-10-39 by L.L. No. 2-1939; 5-13-49 by L.L. No. 36-1949; 6-17-57 by L.L. No. 1-1957; 12-21-67 by L.L. No. 13-1967; 8-11-77 by L.L. No. 5-1977<sup>1</sup>)

[1. Editor's note: Amended during codification; see Ch. 1, General Provisions, Art II]

## **§C8-3 Duties of Fire Chief**

The Fire Chief of the Fire Department shall be an active fireman and shall, under the direction of the Common Council, have the general superintendence and custody of the fire engines and other fire apparatus and conveniences for the prevention and extinguishment of fires. It shall be his duty or his assigned assistant's duty to see that the same are kept in proper order and to make report in writing to the Common Council of the state of the Department semiannually on the first day of January and the first day of July in each year, and at such other times as said Common Council may require. It shall be his further duty to be present at fires and to take command of the firemen present and exercise a general supervision and control of the operations and proceedings of the firemen present and to give directions concerning the same. He shall also have power and discretion to suspend from duty any member of said Fire Department and report the same to the Mayor for his action. Any member of said Fire Department so suspended shall have an opportunity to be heard in his defense before said Mayor (As amended by L. 1903, c. 449; L. 1912, c. 428; L. 1915, c. 583 <sup>1</sup>)

[1. Editor's note: Amended during codification; see Ch. 1, General Provisions, Art II]

## **§C8-4 Present members and companies to continue as part of Fire Department**

The several firemen and fire companies at present composing the Fire Department of the Village of Plattsburgh shall, after this act takes effect, continue as at present, subject to any changes which the Common Council or Mayor may make, but each officer or member thereof, shall thereafter belong to and be a portion of the Fire Department of the City of Plattsburgh, until removed by the Common Council or Mayor on reorganization of the companies and be under the control and government of said Common Council, and be subject to suspension or removal by said Mayor for cause or by the Common Council reorganizing such Fire Department or such companies.

## **§C8-5 Preparation of annual estimate**

The annual estimate of the Fire Department shall be prepared in a manner prescribed by §§C4-4, C4-5, C4-6, C4-7 and C4-8 of this Charter. (As amended 5-13-49 by L.L. No. 37-1949)

## **§C8-6 Audit of bills; reports of fines and losses**

All bills for expenditures and services connected with the said Fire Department must be first authorized by the Common Council and after audit by them shall be paid by drafts on the Chamberlain, signed by the Mayor and countersigned by the Clerk. The Fire Chief shall, on or before the 10<sup>th</sup> day of January in each year, present to the Mayor of said city a report showing complete inventory of all property under

his charge, which report shall also exhibit a particular statement of all fire alarms and fires which have occurred in said year during the preceding year, together with the cause of all fires, as far as the same have been ascertained. It shall also exhibit a particular statement of losses caused by such fires and all insurance thereon. It shall also show the names of all officers and members of said Fire Department and of the companies therein, and the name of all persons in the employ of said department and the compensation paid them, and a statement of all expenses paid or incurred in the Fire Department during the year within his knowledge, and such other information relating to the Fire Department as to said engineer shall seem important.<sup>1</sup>

[1. Editor's note: Amended during codification; see Ch. 1, General Provisions, Art II]

### **§C8-7 Rules for the Department**

The common Council shall make such rules and regulations as it may deem best for the government of the Fire Department, provided such rules and regulations do not conflict with the laws of the state or of the United States. Any breach of such rules may be regarded as cause for removal.

### **§C8-8 Charge and sale of property**

The said Fire Chief shall have charge of all the property now in use or hereafter to be acquired by the City of Plattsburgh for the purpose of extinguishing fires, including all the rooms for storing same.<sup>1</sup>

[1. Editor's note: Amended during codification; see Ch. 1, General Provisions, Art II]

## **ARTICLE IX**

### **Police Department**

#### **§C9-1 Appointment of officers**

The permanent police force of the City of Plattsburgh shall consist of a Chief of Police and such Police Captains, Lieutenants, Sergeants and police officers as the Common Council may deem necessary. All regular police officers shall be appointed by the Mayor subject to the approval of the Common Council. The Mayor may appoint such special police officers as he may deem necessary whose appointments shall remain valid until revoked. The Mayor, with the consent of the Common Council may designate any regular police officer to be Acting Chief of Police at the compensation fixed for the said Chief of Police. (As amended by L. 1903, c. 449; L. 1917, c. 641; 12-30-26 by L.L. No. 2-1926; 5-15-49 by L.L. No. 38-1949; 12-23-59 by L.L. No. 3-1959<sup>1</sup>)

[1. Editor's note: Amended during codification; see Ch. 1, General Provisions, Art II]

#### **§C9-2 Qualification of police**

No person shall be appointed a Chief of Police, patrol officer, special police officer or constable who is not a citizen of the United States or who has ever been convicted of a crime or who cannot read and write the English language. (As amended by L. 1904, c. 319)

### **§C9-3 Duration of office**

All the members of the police force, other than special police officers subject to the power of removal hereinafter specified, shall hold their respective offices during good behavior or until by age or disease they become permanently incapacitated to discharge their duties.

### **§C9-4 Vacancies**

The Mayor may, subject to the approval in the manner stated, of the Common Council, within ten (10) days after a vacancy occurs in the police force, for any cause, appoint a successor to the person whose office has become vacant, subject to and in accordance with the Civil Service Law.<sup>1</sup>

[1. Editor's note: Amended during codification; see Ch. 1, General Provisions, Art II]

### **§C9-5 Duties of Chief of Police**

It shall be the duty of Chief of Police under the direction of the Mayor to superintend the Police Department of said city, of which Department he shall be the chief executive officer and shall have full control of the patrol, subject to the direction of the said Mayor. He shall keep a book of records, to be denominated "police records," in which he shall make daily entries of all the proceedings of his Department and of all the services rendered by him and the several members of the police force. He shall on the first day of each month report to the Mayor of the state of his Department, the services performed by the members of the police force respectively, the amounts respectively due each of them for their services in the preceding month and whether any of them have been disorderly in their behavior or delinquent in their duties.

### **§C9-6 Charges; trials**

If a charge be made by any person against any member of the police force that he is incompetent or has been guilty of neglect of duty, misconduct in office or conduct unbecoming a police officer, the charge must be put in writing in the form required by the rules of the Police Department, if any rules shall have been prescribed, and a copy thereof must be served on the accused officer and filed with the Mayor, and it shall be the duty of the Mayor to hear, try and determine the charge according to the rules of the Police Department, if any rules have been prescribed. The accused officer shall have the right to be present at his trial and to be heard in person and by counsel and to give and furnish evidence in his defense. The Clerk of the city shall issue subpoenas under his hand for witnesses to sustain or refute the charge, and any such witness duly served with a subpoena shall be bound to attend in obedience to the command thereof, and the said Mayor shall have the same authority to enforce obedience to the subpoenas and to punish for disobedience thereof as is possessed by Justices of the Peace in like cases. If the Mayor shall find the accused officer guilty of the charge made against him, he may order his suspension from his pay as a police officer for some definite time, or impose on him a fine not exceeding fifty dollars (\$50) or reduce his grade, or order his dismissal from the police force, or he may subject him to any other discipline prescribed in the rules of the Police Department which is not inconsistent with the provisions of this act or with the laws of the state or of the United States. (As amended by L. 1903, c. 449')

[1. Editor's note: Amended during codification; see Ch. 1, General Provisions, Art II]

### **§C9-7 Military and jury duty**

No member of the Police Department is liable to military or jury duty or to arrest on civil process, or to service of subpoena from civil courts, while actually on duty, nor shall he hold any other office or be employed in any other department of the city government.

### **§C9-8 Delegates at political conventions**

No officer of the police force shall be a member of or delegate to any political convention, nor shall he be present at any such convention, except in the performance of any duty relating to his position as such officer and any violation of these provisions shall work a forfeiture of his office or position, and it shall be the duty of the Mayor to dismiss him from his office or position.

### **§C9-9 Unlawful conduct at primaries**

It is unlawful for any police officer to solicit any person to vote at any political caucus, primary or election for any candidates, or to challenge any voter, or in any manner to attempt to influence any voter at any political caucus, primary and/or any election, or to be a member of any political committee, and any person violating the provisions of this section shall forfeit his position under the city government.

### **§C9-10 Powers and duties of members of police force**

The members of the police force shall be peace officers, and respecting all offenses committed within the limits of the city, either against the laws of the state or the ordinances of the city, they shall possess the same powers as to arrest and confinement of the offender as are possessed by constables of towns or the Sheriff of the county. The officers in charge of the County Jail situated within the limits of the city shall, before and after conviction, have the custody of offenders when confinement is necessary or proper, and upon conviction if any offender is directed to be confined in any penitentiary or reformatory, such convicted person shall be conveyed thereto by the Sheriff of the county, subject to the provisions of the general laws relating thereto. Such fees shall be charged by the Sheriff for the custody of offenders as are allowable in like cases where like offenses are committed in towns.

### **§C9-11 Service of criminal process**

All criminal process for any offense committed within said city, issued out of any court within said city; and all process, subpoenas, bench warrants or otherwise, issued by the District Attorney of the County of Clinton relating to any offense committed within said city, may be served by a member of said police force.

### **§C9-12 Expenses in execution of process**

The necessary expenses incurred in the execution of criminal process within said city shall be a charge against the city. No fees or compensation whatever, other than as herein provided, shall be charged or received by any constable, member or officer of the said police force, for the arrest, confinement or discharge of any person or for mileage or travel, or for serving any warrant, subpoena or process, or for discharging any other duty required by this act, nor shall any such fee or compensation be charged or

received by any officer or citizen for the arrest of any person charged with a crime, or for the service of any warrant, subpoena or other process in any criminal case, other than as herein provided.

### **§C9-13 Presents or awards**

No member of the police force or special policeman shall receive any present or reward for any service rendered or to be rendered unless with the consent of the Mayor, such consent to be given in writing and filed with the Clerk, and any one (1) of their number who shall receive any fee or reward in violation of this section shall thereby forfeit his office.

### **§C9-14 Salary and expenses**

The salaries of the members of the police force shall be paid in a manner to be directed by the Common Council, and the contingent expenses of the Police Department for rent, telephone, expenses for office furniture, fuel, light, stationery, printing, advertising, badges and batons and other necessary expenses shall be certified by the Mayor and, when audited by the Common Council, shall be paid by the Chamberlain of said city upon warrant of the Mayor and countersigned by the Clerk. (As amended by L. 1903, c. 449; 5-13-49 by L.L. No. 39-1949)

### **§C9-15 Bylaws**

The Common Council shall make such bylaws, not inconsistent with the laws of the state, as may be necessary for the government of the police force hereby established for regulating the powers and duties of the offices and members thereof, for uniforming them and for the maintenance of law and good order in said city, but no bylaw concerning the enforcement of any ordinance of said city shall take effect until after it has been approved by the Mayor of said city.

### **§C9-16 Station houses**

The Common Council shall provide and keep in order a temporary lockup for the temporary detention of persons arrested by the members of said police force.

### **§C9-17 Commitment to County Jail**

The City Judge of the city may commit to the County Jail of said county any person charged with crime and pending an examination for trial therefor, and the Sheriff of Clinton County is authorized and required to receive any such person so committed and retain him in custody in accordance with such committal.<sup>1</sup>

[1. Editor's Note: Original Title XII, City Court, consisting of Sections 130 through 142, was repealed effective 7-1-88 by Chapter 397 of the Laws of 1988]

## **ARTICLE X**

### **Actions by and Against City**

#### **§C10-1 Limitations of actions against city**

A. No action or proceeding to recover or enforce any claim, debt or demand against the city shall be brought until the expiration of thirty (30) days after the claim, debt or demand shall have been presented to the Common Council for audit. All actions brought against the city upon any contract, liability expressed or implied, must be commenced within one (1) year from the time that the cause of action accrued and in other cases within six (6) months after refusal of the Common Council to allow the claim.

B. No action or special proceeding shall be prosecuted or maintained against the city for personal injury, damage to real or personal property or death alleged to have been sustained by reason of the negligence or wrongful act of the city or of any officer, employee or agent thereof unless a notice of claim shall have been made and served, in compliance with § 50-e of the General Municipal Law and unless it shall appear by and as allegation in the complaint or moving papers that at least thirty (30) days have elapsed since the service of said notice and that adjustment or payment thereof has been neglected or refused. Said action or special proceedings referred to in this subsection shall be commenced within one (1) year and ninety (90) days after the happening of the event upon which the claim is based.

C. No civil action shall be maintained against the city for damages or injuries to property, real or personal, or for damages, injuries to or death of any person sustained in consequence of any street, highway, bridge, culvert, sidewalk, crosswalk, grating, opening, drain or sewer being out of repair, unsafe, dangerous or obstructed, or in consequence of the existence of snow or ice thereon, unless it appears that written notice of the defective, unsafe, dangerous or obstructed condition or of the existence of the snow or ice was actually given to the Superintendent of Public Works, and there was a failure or neglect within a reasonable time after the giving of such notice to repair or remove the defect, danger or obstruction complained of, or to cause the snow or ice to be removed or the place otherwise made reasonably safe. (As amended 6-14-60 by L.L. No. 1-1960)

#### **§C10-2 Disqualification of judge or jury because of residence**

No person shall be disqualified for acting as judge or juror by reason of being an inhabitant or freeholder in the City of Plattsburgh and in any action or proceeding in which the city is a party or interested.

#### **§C10-3 Civil action to recover penalties**

Civil actions to recover any penalties or forfeiture incurred under this act may be brought in any court having jurisdiction thereof. Such action shall be brought in the corporate name of said city, and in any action brought in the City Court, it shall be lawful to complain generally for the amount of such penalty or forfeiture stating the section of this act or of the ordinance under which the penalty is claimed and to give the special matter in evidence, and the defendant may answer by simply denying the truth of the complaint and give the special matter in evidence. If such action be brought in the City Court against an

alleged owner of real property, the fact that title to real property comes in question on the pleadings or appears on the trial shall not deprive the court of jurisdiction, but may be litigated and determined by the judge as the right of the case may appear, but such judgment shall not be evidence concerning the title of real property in any other action or proceeding. The first process, in any such action brought in the City Court shall be by summons, which may be made returnable forthwith and an execution may be issued immediately on the rendition of judgment. All penalties and forfeitures shall be forthwith, upon collection, paid to the City Chamberlain to the credit of the general city fund; when any judgment shall be rendered in the City Court in favor of or against the City of Plattsburgh in any action brought for the recovery of any penalty or for forfeiture or in any other action in which the City of Plattsburgh shall be a party, the City Judge shall within ten (10) days thereafter file with the City Clerk a transcript of such judgment, for which he shall be entitled to charge the sum of twenty-five cents (\$0.25) and include the same in the costs of said judgment, and in case the said Judge shall omit to file such transcript or to do any of the acts above described, he shall forfeit the sum of twenty-five (\$25) for each and every of such omissions, to be recovered in an action by the city against said City Judge. Whenever a judgment in favor of the city shall be recovered for twenty-five dollars (\$25) or upwards, exclusive of costs, a transcript thereof may be filed in the office of the Clerk of Clinton County, and thereupon, the same shall become a lien upon the property of the defendant in such judgment to the same extent and may be collected and enforced in the same manner as other judgments recovered before Justices of the Peace and transcripts filed in pursuance of the laws of the State of New York.

## **ARTICLE XI**

### **Assessment and Taxation**

#### **§C11-1 Assessor; Board of Assessment Review**

There shall be, in the City of Plattsburgh, New York, a sole Assessor. The Assessor shall be appointed by the Common Council of the City of Plattsburgh and shall have all the qualifications and training specified in §310 of the Real Property Law of the State of New York. The term of office shall be six (6) years and the term of the present sole Assessor is continued to September 30, 1989. The Commission of Assessment and Taxation, as created by former Section 145-A of the Charter of the City of Plattsburgh, New York, shall hereafter be known as the Board of Assessment Review and shall consist of five (5) members. The members of the Commission of Assessment and Taxation presently serving are continued in office and shall hereafter constitute the Board of Assessment Review. Said members shall be appointed in accordance with §523 of the Real Property Tax Law and shall serve for a term of five (5) years. The members shall elect one (1) of their members to be Chairman. (As amended 11-19-85 by L.L. No. 3-1985<sup>1</sup>)

[1. Editor's Note: Amended during codification; see Ch. 1, General Provisions, Art. II]

#### **§C11-2 Assessment of taxes**

The Assessor shall, in each year, prepare an assessment roll of the persons and property taxable within the city in the same manner and form as required by the rules and regulations of the New York State

Board of Equalization and Assessment. Except as otherwise provided by law, only one (1) assessment shall be made each year for all the taxes levied within the city during that year. (As amended 11-19-85 by L.L. No. 3-1985)

### **§C11-3 Valuation date**

Beginning with the 1986 assessment rolls, the valuation date shall be January 1 of each year. (As amended 11-19-85 by L.L. No. 3-1985)

### **§C11-4 Taxable status date**

Taxable status date shall be March 1 of each year. On or before March 1 of each year, the Assessor shall complete an inventory of all real property in the City of Plattsburgh, New York, including the names of the owners. (As amended 11-19-85 by L.L. No. 3-1985)

### **§C11-5 Completion of tentative assessment roll**

The Assessor shall complete a tentative assessment roll prior to May 1 of each year and cause notice of such completion to be published in the official newspaper of the City of Plattsburgh, New York, on or before May 1 of each year. The tentative assessment roll shall be available for public inspection in accordance with §506 of the Real Property Tax Law. (As amended 11-19-85 by L.L. No. 3-1985<sup>1</sup>)

[1. Editor's Note: Amended during codification; see Ch. 1, General Provisions, Art. II]

### **§C11-6 Completion of final assessment roll**

The assessment roll shall be completed and filed in the office of the Assessor and copies thereof furnished to the City Clerk and the Clinton County Board of Legislators on or before July 1 of each year, and notice of the completion and filing of the final assessment roll shall be published in the official newspaper of the city on or before July 1 of each year. (As amended 11-19-85 by L.L. No. 3-1985)

### **§C11-7 Powers and duties**

The Board of Assessment Review and the Assessor shall have the powers and duties prescribed by Title 1-A of the Real Property Tax Law of the State of New York. (As amended 11-19-85 by L.L. No. 3-1985)

### **§C11-8 Levy of taxes by Common Council**

The Common Council must annually cause to be levied and raised by general taxes upon all taxable property in the city according to the valuations upon the assessment roll for the current year, corrected as aforesaid:

- A. The amount of taxes certified to the Common Council of the city by the Board of Legislators to be assessed by the city.
- B. The amount of all interest and any installment of principal falling due upon bonded or other funded debts of the city.
- C. The amount necessary to defray the expenses of the Board of Education for the fiscal year, including all capital appropriations.



D. The amount necessary to defray the general city expenses of said city for the current fiscal year as authorized and provided for in this act and in all other acts relating to the city, including the Local Finance Law.

E. Taxes shall be collected as follows: one (1) warrant, which includes taxes to be levied for all the above purposes, shall be issued, and said warrant shall provide for the payment of said taxes in four (4) equal installments, the first installment to be due on March 15 in each year, the second installment to be due on April 15 in each year, the third installment to be due on May 15 in each year and the fourth installment to be due on June 15 in each year, except such dates as fall on Saturday, Sunday or legal holidays, the next business date shall be the due date for that installment. Nothing contained herein however shall prevent the payment by any taxpayer of the total amount of his annual tax and charges after the issuance of said warrant. (As amended 2-26-32 by L.L. No. 1-1932; 12-22-39 by L.L. No. 2-1940; 2-25-49 by L.L. No. 11-1949; 1-27-66 by L.L. No. 1-1966')

[1. Editor's Note: Amended during codification; see Ch. 1, General Provisions, Art. II]

### **§C11-9 Issue of tax roll and warrant by Chamberlain**

The City Clerk, under the direction of the Common Council, shall extend and apportion the taxes to be collected on the assessment roll delivered to him, and as often as taxes are directed to be collected, and shall forthwith file the same in his office and shall make two (2) copies of the same with the taxes to be collected, extended or apportioned and shall certify such copies to be correct duplicate city rolls of state, county and city taxes as the case may be. Said roll shall then and on or before the first day of February, or as soon thereafter as practicable, be delivered to the Chamberlain of the city with the warrant annexed, under the Seal of the city, commanding him to receive, levy and collect the several sums in the roll specified as assessed against the person or property therein mentioned or described, with such percentage or penalty and interest as is in this act provided, in the manner provided by law for the collection and levying of county taxes by town collectors and with the additional powers conferred by this act. From time of the receipt of the tax roll and warrant by the Chamberlain, all taxes assessed and levied upon any real estate shall be a lien upon such real estate for the amount thereof with percentage and interest until the same shall be fully paid. (As amended 2-26-32 by L.L. No. 2-1932; 7-1-49 by L.L. No. 44-1949)

### **§C11-10 Notice of receiving warrant**

Immediately on the delivery of the city roll and warrant attached to the City Chamberlain, for collection of the amount specified in said warrant, the Chamberlain shall publish a notice once in the official newspaper in the city that he has received said roll and warrant for collection and that the amounts due may be paid at the City Chamberlain's office during the regular business hours established for said office. The City Chamberlain is directed to mail to each taxpayer, by depositing in the post office in the City of Plattsburgh, New York, properly enclosed in a postpaid wrapper, a notice showing the description of his or her property and the amount of taxes due thereon. The Common Council is hereby authorized to employ, within the amount provided in the budget of each fiscal year, additional clerical help for the purpose of preparing current tax bills. (As amended by L. 1904, c. 319; L. 1915, c. 583; 1-26-31 by L.L. No. 1-1931; 2-26-32 by L.L. No. 3-1932; 1-15-41 by L.L. No. 3-1941; 3-11-49 by L.L. No. 12-1949)

### **§C11-11 Tax receipts**

Immediately upon receipt of any taxes, the Chamberlain shall enter in a column upon the tax roll provided for that purpose, and opposite the name of the person or corporation paying the same, the fact of payment and the date thereof and give the person paying the same a receipt therefor. The form and contents of said receipt shall be fixed and determined by the said City Chamberlain. All taxes or assessments paid within thirty (30) days from the due date of the first installment of taxes, shall be payable without fee, percentage or interest thereon. On all installments of taxes or assessments remaining unpaid after the expiration of such thirty (30) days after the due date of each installment, the City Chamberlain shall collect interest at the rate of one per centum (1%) per month from the expiration of said thirty (30) days, which percentage and interest shall belong to the city. (As amended 2-26-32 by L.L. No. 4-1932; 3-11-49 by L.L. No. 13-1949)

### **§C11-12 Collection of tax by sale of personal property**

If any person shall neglect or refuse to pay any tax charged against him, within the ten (10) days above provided, the Chamberlain shall forthwith issue his warrant under his hand and the Seal of the city and addressed to any constable or police officer of the city, commanding such officer to levy upon any personal property in the city or in the County of Clinton, belonging to or in possession of the person whose tax remains unpaid, and cause the same to be sold at public auction for the payment of such tax and the fees and expenses of collection, and no claim or property to be made thereto by any other person shall be available to prevent such sale. The officer to whom such warrant shall be delivered shall proceed as therein directed. Public notice of the time and place of sale of the property to be sold shall be given by posting the same in at least three (3) public places in the city at least six (6) days previous thereto. The officer conducting such sale shall return the proceeds thereof together with this warrant to the Chamberlain within fifteen (15) days after the same shall have been issued to him. He shall be entitled to charge the same fee as constables are entitled to receive for collection money by virtue of execution. If the proceeds of such sale shall be more than the amount of such tax, the fees for collection and the expenses of sale, the surplus shall be paid to the person against whom the tax is assessed, unless his right thereto is disputed by some other person, in which case such surplus shall remain in the hands of the Chamberlain, without liability on his part or on that of the city for costs, until the rights of the parties thereto shall be determined by due course of law.

### **§C11-13 Collection of tax by civil action**

The Chamberlain is hereby authorized and empowered to recover, by act in any court of competent jurisdiction and in the corporate name of the city, the amount of every tax remaining unpaid after the expiration of ninety (90) days from the first publication of the notice specified in §C11-10, with the additions and fees unpaid thereon, and to recover judgment therefor with twelve per centum (12%) interest thereon and the cost and expenses of such action when the sum claimed does not exceed five hundred dollars (\$500). A transcript of the judgment obtained in such action may be filed, and such judgment docketed in the office of the Clerk of Clinton County, and it shall, however small the amount, thereupon become a judgment of the County Court of said county and a lien to the amount of said judgment upon all real estate of the judgment debtor situated in said county and shall have the same priority over any other lien or encumbrance upon or transfer of the property charged with the tax for which such action was brought as the lien sought to be recovered in said action. Upon any judgment recovered for said unpaid taxes and docketed in said County Clerk's office, execution may be issued and collected as provided by law, and all the provisions of law in reference to sale and redemption of real

estate on execution, or to proceedings supplementary to executions, shall apply to sales, redemptions or such proceedings which may be had under this act.

### **§C11-14 Advertising and sale of land for unpaid taxes**

Whenever any such tax, water charge or assessment appearing upon the current assessment roll, penalty or interest or any part thereof of or either of them, remaining unpaid on the 15<sup>th</sup> day of November in each year, the Chamberlain shall proceed in accordance with the provisions of this Article to advertise and sell the lands upon which the same was imposed for the payment of such taxes, advertising, penalty or interest or the part remaining unpaid and the expenses of such sale as hereinafter provided shall also be a charge upon said lands. (As amended by L. 1912, c. 428; 9-30-32 by L.L. No. 6-1932; 1-15-41 by L.L. No. 2-1941; 11-25-42 by L.L. No. 22-1942; 3-11-49 by L.L. No. 14-1949)

### **§C11-15 Notice of sale of land for taxes**

The Chamberlain shall cause to be published a notice for such sale, containing a description of lands to be sold and to specify the time and place of sale in the official newspapers of the City of Plattsburgh, which publication shall be once only, and not later than two (2) weeks prior to the date of sale, which date of sale shall be December 15 in each calendar year, except when this date shall fall on Sunday or a legal holiday, the sale shall be held on the day following. On the day named, the Chamberlain shall commence the sale of such lands and real property and shall continue such sale from day to day until the whole thereof shall be sold, but such sale from day to day until the whole thereof shall be sold, but such sale shall not be continued beyond December 31 of any year. Before the sale, the owner of any parcel of land or real property or his representative or any person interested therein, may avoid the sale thereof by paying the tax or taxes to the Chamberlain, with all accrued interest, fees, additions and expenses. (As amended 10-27-33 by L.L. No. 4-1933; which was repealed 2-4-49 by L.L. No. 12-1949; as amended 9-30-32 by L.L. No. 6-1933; 11-25-42 by L.L. No. 20-1942)

### **§C11-16 Manner of conducting sale of land**

On the day mentioned in the notice of sale, the City Chamberlain shall commence the sale of the land specified in such notice and continue the sale from day to day until so much of each parcel shall be sold as may be sufficient to pay the taxes thereon for the year for the taxes of which such sale shall be made, with interest and charges thereon. The purchaser of such land may pay the amount of his respective bid to the Chamberlain immediately after each parcel shall be struck off. In case the purchaser shall fail to pay the amount of his bid as herein prescribed the Chamberlain shall forthwith offer the parcel for said sale again, and proceed as though it had not been struck off. Should there be no bid of the amount due on any lot or parcel of land to be sold, then the Chamberlain shall bid in the same for the city, and the city is hereby authorized to acquire said parcel, and the Common Council shall have the care and control of such parcel and may lease, sell or convey the same. As soon as practicable after the sale, the Chamberlain shall prepare and execute in duplicate, as to the parcel sold a certificate of such sale describing the parcel purchased by a brief general description of the location, boundary and estimated quality thereof and stating the fact of the sale, the name of the purchaser, the sum paid therefor, the amount due thereon, at the time of the sale, the name of the person or persons whom such tax was assessed, and the name of the person or persons whom such tax was assessed, and the name of the reputed owner thereof. One of said duplicates shall be delivered to the purchaser or, in case the parcel was struck off to the city, then it shall be retained by the Chamberlain. The Chamberlain shall deliver the other duplicate certificate to the Clerk of the County of Clinton, who shall file said certificate in his

office and record the same in a book to be kept in the said Clerk's office for that purpose and shall index the certificate in the name of the person to whom the parcel was assessed, the name of the reputed owner thereof and in the name of the purchaser in the same book and the manner as deeds are indexed as required by law. The County Clerk shall be entitled to receive a fee of fifty cents (\$.50) for each certificate so filed and recorded, which fee shall be paid by the Chamberlain and shall be a part of the expenses of the sale of the parcel. If from any cause the Chamberlain shall be unable to attend at the time and place of sale, the City Clerk of said city may conduct the sale with the same force and effect as though made by the Chamberlain. (As amended 3-11-49 by L.L. No. 15-1949)

### **§C11-17 Disposition of proceeds of sale**

The proceeds of the sale of each parcel, other than those struck off to the city, shall be applied to the payment of the expenses of the sale as herein provided, and the extinguishment of the tax, penalty or interest for which it was sold and if there shall be any residue, the Chamberlain shall hold the same until the owner of the premises at the time of such sale, shall redeem them from the sale as herein provided, and the Chamberlain shall pay such owner the said surplus. In all other cases, the Chamberlain shall hold the same until after the period of redemption shall have expired, and then he shall pay such surplus, and the person or persons entitled thereto shall be ascertained in the same manner and by the same proceedings as in the case of surplus or statutory foreclosure of a mortgage or real estate. In case any taxes shall be assessed and levied upon real estate which has been sold for taxes, subsequent to such sale, and before the redemption thereof or conveyance thereof to the purchaser, and the same shall be unpaid, the Chamberlain may deduct the amount thereof from any surplus in his hands of the sum bid for the same if there be any surplus; if there shall be no surplus, or the same shall be insufficient to pay such taxes, the person redeeming shall pay the same; otherwise, the purchaser shall pay the same before he shall receive his conveyance of the same.

### **§C11-18 Redemption of lands**

The owner of, or any person interested in or having a lien upon any parcel or lot so sold, may redeem the same from such sale at any time within two (2) years by paying to the Chamberlain for the use of the purchaser or his assigns or, if the same shall have been redeemed by any person other than the owner thereof, then for the use of such person, the sum mentioned in the certificate as having been bid for the premises with interest thereon at the rate of twelve percent (12%) per annum from the day of sale, together with any tax or assessment upon said parcel or any part thereof that the said purchaser or assigns, or persons before redeeming, shall have been paid between the day of sale and the day of redemption, with interest at the rate of twelve per centum (12%) upon such tax or assessment from the time of payment. The time during which such redemption may be made shall not commence to run against infants or incompetent persons, until the termination of their disability. In case of the redemption of any land sold for taxes, as herein provided, by the person who was the owner thereof at the time of the sale, the Chamberlain shall give such owner a receipt for the amount paid by him to effect such redemption, and on the production thereof by such owner to him, the County Clerk shall cancel the certificate of sale by a proper entry at the foot of the record of such certificate in his office. (As amended 8-14-80 by L.L. No. 2-1980)

### **§C11-19 Notice of redemption of lands**

At least three (3) months before the expiration of the time for the final redemption of any parcels or lots so sold, the Chamberlain shall commence the publication of a notice of redemption from such sales,

which shall show the year when the sale took place, and the last day for the redemption of the lands not already redeemed by the owners, without other or further description, and such notice shall be published at least twice in each of said three (3) months, in the official newspaper of the city. A copy of such notice shall be served personally on the owner or occupant of the lands or, if unoccupied, posted on the premises, at least twenty (20) days before the expiration of such time for final redemption. The publication and service of such notice shall bar and preclude any and all persons except the purchaser on such sale or his assigns or the person finally redeeming from claiming any interest in or lien upon such lands or any part thereof, in case the said lands shall not be redeemed from such sale hereinbefore provided.

### **§C11-20 Conveyance of real estate sold for taxes**

If any parcel or lot so sold shall not be redeemed as herein provided, the Chamberlain, immediately after the expiration of the said two (2) years, shall execute and deliver to the purchaser, his heirs or assigns, or the city or to its assigns, or to the person finally redeeming as the case may be, a conveyance of the real estate so sold, which conveyance shall vest in the grantee an estate in fee, subject only to the liens, if any, of unpaid taxes or assessments thereon. The Chamberlain executing such conveyance shall be entitled to demand and receive from the grantee two dollars (\$2) for preparing every such conveyance, but all purchases made for the city, or any individual, in any year shall be included in one (1) conveyance, and no fee shall be charged the city thereof. Every such conveyance shall be executed by the Chamberlain, and the execution thereof shall be acknowledged before some officer authorized to take and certify acknowledgements of instruments for record in said county, and such conveyance shall be conclusive evidence that the sale and subsequent proceedings were regular and presumptive evidence that all the previous proceedings were regular and according to law. Any such conveyance may be recorded in the manner and with like effect as any other conveyance of real estate. The said grantor or his assigns or the city or its assigns, as the case may be, shall be entitled to have and possess the granted lands from and after the execution of such conveyance and may cause the occupants of said lands to be removed therefrom and the possession thereof delivered to them, in the same manner and by the same proceedings and by and before the same officers as in the case of tenant holding over after the expiration of his term without permission of his landlord. No certificate or tax deed executed by the Chamberlain, as specified in this section, or §C11-16 of this act, shall be invalid by reason of any error in assessing, levying or selling the same, but such erroneous taxes or assessments shall, upon proper proof being furnished by the owner of the property or of certificate or tax deed, be refunded by the Common Council to the party entitled to such refund. (As amended by L. 1903. C. 449)

### **§C11-21 Settlement by the Chamberlain for taxes collected**

A. It shall be the duty of the Chamberlain to pay over to the Treasurer of Clinton County the amount of the county and state taxes due to the same. Payments shall be made at least once each month after city tax collections have commenced. The aggregate of such periodic payments shall continuously represent such portion of the whole of such county and state taxes as shall be approximately equivalent to the ratio of the total city tax roll charges which shall have been collected, apportioned according to the ratio that the total county and state taxes bears to the total city tax roll charges. The whole of such county and state taxes due for each year shall be paid to the Treasurer of Clinton County not later than December 1 of each year.

B. Upon the final settlement with the County Treasurer, the Chamberlain may pay from the general funds of the city the amount of uncollected county and state taxes in his hands for collection, and thereupon such taxes in his hands for collection, and thereupon such taxes shall belong to the city of

Plattsburgh and shall be deposited to the credit of the fund or funds from which the original payment was made.

C. All other moneys received by him for taxes shall be deposited in such banks as are made depositories of the city by resolution of the Common Council. (As amended by L. 1903, c. 449; L. 1912, c. 428; L. 1917, c. 641; 1-1-61 by L.L. No. 3-1960)

### **§C11-22 Voids and erroneous assessments: powers of Common Council**

The Common Council of the city may, in its discretion, release, discharge, remit or commute any portion of the taxes assessed or levied against any person or property for any error, irregularity or omission in the levying of said taxes or in any of the proceedings relating to the same. In case any assessment shall remain unpaid on account of any irregularity, omission or error in any assessment authorized by this act, or the laws in force when such tax was levied, or in case of error in the description of lands or in the description of the owner or occupants, the Common Council may, in its discretion, or upon the application of any person interested, proceed to correct such irregularity, omission or error or cancel, remit or commute such tax, or cause the amount so unpaid to be reassessed on the property, the assessment against which remains unpaid, or upon the owner or occupant thereof, and the Common Council is hereby authorized and empowered to make such reassessment upon giving ten (10) days' personal notice thereof to the owner, agent or occupant of the property against which the amount remains so unpaid. It may direct the City Chamberlain to correct any irregularity, omission or error, and such reassessment or correction shall have the same effect as if said assessment had been properly made, but the Common Council shall not alter any valuation made by the Assessors. Any omission to comply with the provisions of this act in making an assessment or levying a tax or creating a lien shall not render such assessment or the tax levied thereunder or the assessment made or lien created thereby void but shall be treated as an irregularity merely, and it shall be the duty of any and all courts in case it shall appear that such irregularity exists to direct the same to be corrected or amended or the omission supplied, if possible. In case any tax or assessment made, assessed or levied under this act or which has heretofore been made, assessed or levied, or attempted to be made, assessed or levied, upon property situate within the limits of the present Village of Plattsburgh, either by the Assessors thereof or by the Common Council or by the Village of Plattsburgh or the Board of Trustees thereof, or by the Town of Plattsburgh or Assessors thereof or by the Board of Legislators of the County of Clinton, or the Board of Education of Free School District No. 1 of the Town of Plattsburgh, shall be or be declared void, or have failed for want of jurisdiction or for any irregularity, mistake or inadvertence in levying or assessing the same, the Common Council shall have power, and it shall be its duty to cause the same to be reassessed in a proper manner. Any sum paid thereon shall be credited upon the tax so reassessed, and, if the sum paid shall exceed the amount so reassessed, the excess shall be refunded to the person entitled thereto.<sup>1</sup>

[1. Editor's note: Amended during codification; see Ch. 1, General Provisions, Art. II]

### **§C11-23 Collection of local assessments**

Whenever an assessment shall be ordered for local improvements, the assessment shall be made to resemble in form as nearly as practicable the tax list and be provided with a column in which payments can be entered by the Chamberlain. All provisions relating to the collection of taxes in this act shall be applicable to the collection of assessments mentioned in this act, and the amount of all assessments for local improvements in default at the time of the annual tax levy shall be added to the amount assessed against the same land for general city taxes and shall be collected and enforced in the same manner as in the same provided.

## ARTICLE XII

### Miscellaneous

#### §C12-1 Reading of Charter and ordinances in evidence

The Charter of the City of Plattsburgh may be read in evidence from the volume of the session laws of the State of New York containing said Charter, from the volume printed by the authority of the Common Council, or from a certified copy made by the City Clerk or from the volume of ordinances and bylaws provided by authority of the Common Council; and all records and all accounts of the city which the city officers are required by law to keep shall be presumptive evidence of the truth of their contents in any court.

#### §C12-2 Repealed acts and sections

##### A. Schedule of laws repealed

Laws of	Chapter	Section	Subsection
1868	248	-	-
1873	636	-	-
1878	250	-	-
1879	435	-	-
1890	322	-	-
1893	86	-	-
1867	810*	-	-

\*Except for Section 3

##### B. Schedule of sections repealed

Laws of	Chapter	Section	Subsection
1902	269	3	3
		41	-
		42	-
		79	-
1902	269	94	-
1902	269	154	-
1902	269	169	-
1902	269	170	-
1902	269	171	-
1902	269	172	-
1902	269	173	-
1902	269	175	-

1902	269	176	-
1902	269	177	-
1902	269	180	-
1902	269	181	-
1902	269	182	-
1916	60	-	-

(As added 5-13-49 by L.L. No. 41-1949; as amended 7-11-49 by L.L. No. 45-1949)

### **§C12-3 When effective**

This act shall take effect immediately. (L. 1902, c. 269, became effective March 29, 1902)



